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No. 110

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 2004.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend L. John Gable, Pastor, Crossroads Presbyterian Church, Mequon, Wisconsin, offered the following prayer:

God of grace and glory, Your word instructs us to pray for those in leadership and for those who are in positions of authority over us. As we gather here today, we recognize that we are those very leaders. Yet we humbly confess that our strength and wisdom is insufficient for the issues of our day, so we pray for Your wisdom, strength and guidance, and our openness to it.

We pray for those gathered in this hall and for the decisions that will be discussed and made here. We pray for our President and for all those who serve the common good that their actions and decisions might be in accordance with Your perfect will for peace, justice and freedom.

Save us, O Lord, as a people and as a Nation from the self-confidence that forgets its dependence on You; yet inspire us in the realization that the work we do is important in the serving of Your purposes.

Lord, bless us and bless our Nation that we in turn may be a blessing to

You. This we pray in Your Holy Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Hawaii (Mr. CASE) come forward and lead the House in the Pledge of Allegiance.

Mr. CASE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5008. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

The message also announced that the Secretary be directed to request the return to the Senate (S. 2261) entitled "An Act to expand certain preferential trade treatment for Haiti," in compliance with a request of the Senate for the return thereof.

The message also announced that pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, the Chair, on behalf of the President

pro tempore, upon the recommendation of the Democratic Leader, appoints the following individual to the United States Commission on International Religious Freedom, for a term of two years:

Preeta D. Bansal of Nebraska.

WELCOMING THE REVEREND L. JOHN GABLE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is with particular pleasure that I rise to welcome the Reverend L. John Gable and his wife Kris to the Chamber of the United States House of Representatives today.

Reverend Gable is a graduate of Princeton Theological Seminary as well as Hanover College in Hanover, Indiana, and his ministry has carried him through Ohio, Iowa, and now he serves as senior pastor for a decade at Crossroads Presbyterian Church in Mequon, Wisconsin. The Good Book says, "If you owe debts, pay debts." I rise today to discharge a large one in my life, for it was 25 years ago as a young man at Hanover College that the then student John Gable, more than anyone else, challenged me to take seriously the claims of Christ. I will never forget the day, Mr. Speaker, that young John Gable said to me, "Remember, MIKE, you have got to wear it in your heart before you wear it around your neck."

As those at Crossroads Presbyterian Church know and people in Ohio and Iowa and all over the country, John Gable has made a difference in America, in the lives of thousands, and he most certainly made a difference in mine. It is my pleasure to welcome the Reverend L. John Gable and his wife Kris to the United States House of Representatives today as our chaplain.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 5 one-minute speeches on each side of the aisle.

TRIBUTE TO SCOTT ERWIN

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, so many times in our lives, blessings appear to us without our knowing. At other times, Providence just slaps us in the face.

In the summer of 2002, a young man named Scott Erwin, a senior at the University of Richmond, came to work in my office as an intern and made an immediate impact on my staff. To the staff assistants who supervised him and the senior staff who gave him his assignments, Scott revealed himself in short order as a special young man, a man of intelligence, humor and gumption. He was the kind of man who was going to make a difference in the world and leave it better than he found it.

Toward that end, while Scott's classmates spent their senior year taking gut courses and working on their graduate school applications, Scott went to Iraq. He transported a class on American democracy, which he had developed and taught as a student at Richmond to the Coalition Provisional Authority in Iraq, where he taught the class to Iraqi university students. He showed them how the institutions and history of American democracy might be translated into Iraqi culture to help the liberated Iraqi people build a democratic society of their own.

On his way back from class one Wednesday this past June, Scott's car was ambushed by terrorists, either Saddam loyalists or foreign killers. They riddled the car with bullets, killing two of those inside. Scott himself was hit three times, once in each arm, once in the abdomen. His life was saved twice in those terrifying moments, once by the translator sitting next to him who pulled him under the seats and once by a very small battery he was carrying near his identification card over his heart which deflected the bullet that would have otherwise killed him. Iraqi police scared off the terrorists and Scott received immediate medical attention. He was soon flown to Germany and then home to the United States, where he is still recovering from his wounds and the surgeries conducted to save his life.

It makes you wonder how you spent your senior year in college.

As I said, Mr. Speaker, sometimes Providence is not a breeze but a hurricane. Sometimes it comes in the shape of a battery, and sometimes it comes in the shape of an intrepid 22-year-old serving his country and all countries in the cause of human freedom.

Scott Erwin came to work for me in 2002 and gave my office a jolt of enthu-

siasm and wit, to say nothing of extraordinary candlepower. Those are the traits he took with him to Iraq and the traits he brings with him every day to physical therapy as he continues to recover.

Today, Scott Erwin is back at the University of Richmond, still fighting, still working, finishing his degree in political science and the classics. He does not know I am even here speaking these words about him, and maybe that is how he would prefer it. But these words deserve the saying just the same.

So, Scott, wherever you are, on behalf of everyone in my office and everyone here on Capitol Hill, thank you for your service, thank you for your courage, and we all look forward to seeing what you do with both of them in the future.

Good luck, Scott, and God bless you.

URGING THE PRESIDENT TO SPEAK CANDIDLY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday in Denver the President said, "When the American President speaks, he must mean what he says."

That is interesting coming from an administration that told us the Medicare bill would actually cost \$395 billion, all the while knowing it would cost \$540 billion.

From an administration that said it would take less than 100,000 troops to secure the peace in Iraq and then fired General Shinseki, who told us the true number.

From an administration that promised to leave no child behind but purposely left them \$10 billion short.

From an administration that said Iraq had reconstituted their nuclear capability, even though its own intelligence report said the opposite.

From an administration that said a memo detailing al Qaeda's plans to attack the United States was historical and not a warning.

From an administration that says it will cut the deficit in half while proposing \$3 trillion in additional new spending.

From an administration that said their economic policies would create 5.5 million jobs. We are only 2.6 million short.

From an administration that promised a tax cut for everyone but failed to include a provision increasing the child tax credit for 6.5 million working families and military families.

Mr. Speaker, this is a funny way to promise to restore truth and honesty to the White House.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT ALLOWING NATURALIZED CITIZENS TO SERVE AS PRESIDENT

(Mr. ROHRBACHER asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. ROHRBACHER. Mr. Speaker, this morning I have introduced a constitutional amendment that will provide the American people with a wider range of presidential candidates. My amendment will allow all those who have been citizens of the United States for more than 20 years to serve as President. This constitutional amendment is fully consistent with my long-held support for a generous policy of legal immigration but at the same time vigorously opposing all illegal immigration.

There are those here today who will interpret this constitutional proposal permitting a naturalized citizen to serve as President as a political ploy designed to permit a prominent California elected official who immigrated to the United States from Central Europe and who still speaks with a thick accent to be eligible to be elected President of the United States.

This is no ploy. I honestly believe that TOM LANTOS should be allowed to seek the highest office in the land just like any other elected official from California.

I ask my colleagues to join me in supporting this constitutional amendment.

IVAN THREATENS NEW ORLEANS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, barely have we recovered from Hurricane Hugo and we are seeing Hurricane Ivan pose the threat that has long been feared by those in Louisiana, that this actually might represent the loss of the City of New Orleans. Located 15 feet below sea level, there is the potential of a 30-foot wall of water putting at risk \$100 billion of infrastructure and industry and countless lives.

We all hope that it does veer to the west as projected, but I hope that this brings us to a realization that now is the time for the Federal Government to deal with policies that will make a difference protecting people. Careful planning, strong building codes and balanced transportation are not slogans and bureaucratic hoops. These are simple, commonsense provisions that can save lives, protect property and prevent countless billions of dollars in disaster aid from the Federal Government.

AGAINST MATRICULA CONSULAR CARDS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last night the House voted to strip language in the Treasury bill that would have made a small step towards restoring some sense of sanity to our national immigration policy. Even

though we are supposed to be reforming our immigration system in the aftermath of 9/11, Time Magazine has just reported that 3 million illegal aliens will enter this country, adding to the 10 million who are already here. This is the largest number since 2001, the year we were attacked. Is this progress? No.

And now we are allowing these matricula consular cards which are issued as a form of identification in Mexico. We are allowing this form of ID even though the FBI reports that there is no centralized database for issuing these cards, there are no uniform standards for its issuance, and in some cases all an applicant has to do is simply say, I am who I am. The FBI determined that these are not adequate standards and that they are fraught with fraud. I wholeheartedly agree.

Mr. Speaker, I am disappointed that we are allowing these ID cards to be used. I am deeply concerned that their use places our national security at risk.

WASHINGTON RESULTS BODE WELL FOR DEMOCRATS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, my home State of Washington is considered a swing State this November. Yesterday, Washington held its fall primary election, the first litmus test between Republicans and Democrats. The results make clear that Washington is going to vote Democratic in a very big way on November 2.

Christine Gregoire is going to make a fine Democratic Governor.

PATTY MURRAY, Senator MURRAY, will remain a U.S. Senator.

Dave Ross is going to make a fine Democratic Congressman from the Eighth Congressional District, one new seat for the Democrats.

Don Barbieri is going to make a fine Democratic Congressman from the Fifth Congressional District. That is another new seat for the Democrats.

People know, Mr. Speaker, what 4 years of Republican control has done to America. People know and they are paying attention.

So, Mr. Speaker, ask the President to keep coming out to Washington and spend all the money he can. It will be good for tourism. It might even create a job or two, more than he has done in the other Washington.

By the way, Mr. Speaker, I got 86 percent, too. We are all coming back and we are going to get our country back in 47 days and a wake-up.

NBC GETS MEDIA BIAS AWARD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, last week I announced a weekly award

for the worst example of a biased liberal media article. The nominees for the first Media Bias Award are:

NBC's "Today" show for interviewing Kitty Kelley for 3 consecutive days about her book on the President's family, filled with second-hand sources, rumors, and falsehoods; Newsweek Magazine for this week's cover story on "The Secret Money War" in the Presidential campaign. Newsweek neglected to report that the top five outside money groups all have Democratic Party ties and have spent a combined \$91 million attacking President Bush; the New York Times for repeatedly hammering Republicans for their get-out-the-vote efforts among church members while never criticizing Democrats for political speeches in churches; The Washington Post for its coverage of the Democratic and Republican conventions. The day after the Democratic convention, The Post ran three positive front-page stories about the Democratic nominee; but the day after the Republican convention, The Post featured two negative and only one positive front-page story on President Bush.

Mr. Speaker, the winner of the first Media Bias Award is NBC for its decision to feature Bush critic Kitty Kelley on the Today show 3 days in a row. This is the Media Bias Award to NBC.

IN PRAISE OF NORTH CAROLINA SENATOR JOHN EDWARDS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to praise my friend and colleague, North Carolina Senator JOHN EDWARDS. I want to call attention to a specific accomplishment on behalf of ordinary Americans that has earned him the reputation as a people's lawyer.

Valerie Lakey, a 5-year-old girl, was maimed when a swimming pool drain malfunctioned. Her family had nowhere else to turn, and JOHN EDWARDS proved the company that made the drain knew it was dangerous to children, yet did nothing.

Jennifer Campbell was born in 1979 with severe brain damage because, as a jury later determined, her mother's doctor botched the delivery. The hospital covered up the malpractice and Jennifer's parents were forced to turn to JOHN EDWARDS for a measure of justice.

My Republican colleagues talk about what they call "lawsuit abuse" as part of their negative ads on JOHN EDWARDS and JOHN KERRY. But let the record be clear: JOHN EDWARDS has spent his entire life fighting for ordinary folks who could not fight for themselves. JOHN EDWARDS and JOHN KERRY have a plan to make North Carolina a stronger home and respected in the world. I am proud of my friend JOHN EDWARDS and know he will make a great Vice President.

LAWSUIT ABUSE REDUCTION ACT

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to thank my colleagues for passing H.R. 4571, which is the Lawsuit Abuse Reduction Act.

In the NFL, a coach can challenge a referee's call; but if he is wrong, he has to give up a time out. It seems fair. But there is no personal risk for an unscrupulous trial lawyer to file a lawsuit against a company or a person and then offer to settle a dispute for less than the cost to defend the case in court. In the criminal laws, this would be termed extortion. But under the tort laws, it becomes a thriving industry.

Mr. Speaker, when the Senate passes the Lawsuit Abuse Reduction Act, it will be illegal to sue someone for an imaginary offense and cause them to pay thousands of dollars in legal fees in order for a judge to make a final official ruling. When one of these cases is deemed without merit, the attorney filing the suit will be responsible for paying the legal fees of the defendant. It seems like a simple commonsense approach to me.

I urge my colleagues to join me in asking the Senate to take immediate action to pass lawsuit abuse reduction in the United States.

THE NATIONAL DEBT

(Mr. CASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASE. Mr. Speaker, it has been 1,215 days since the current administration assumed stewardship over our Federal budget. During that time, our national private debt has increased by 1.733 trillion. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday our Nation's outstanding privately held debt alone was \$4.343 trillion, an increase of 39 percent in just 3½ years. And foreign holdings of that debt now total \$1.79 trillion, an increase of \$780 billion since January, 2001, and now 41 percent of all privately held debt.

Total Federal debt at the end of this current fiscal year in just 15 days, including obligations to Social Security and Medicare, is projected to be \$7.372 trillion.

It is time to stop the bleeding.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Pursuant to House Resolution 770 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5025.

□ 1022

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. ISAKSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Tuesday, September 14, 2004, the amendment by the gentlewoman from New York (Mrs. KELLY) had been disposed of and the bill was open for amendment from page 76, line 8 through Page 166, line 3.

Pursuant to the order of the House of that day, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

amendment 1;

amendment 2, debatable for 1 hour;

amendment 5, debatable for 40 minutes;

an amendment by the gentleman from Oklahoma (Mr. ISTOOK) regarding GSA;

an amendment by the gentleman from Massachusetts (Mr. OLIVER) regarding Federal Motor Vehicle Safety Standards, debatable for 30 minutes;

an amendment by the gentleman from Massachusetts (Mr. OLIVER) regarding the IRS or regarding election reform, debatable for 20 minutes;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding the definition of manufacturing;

an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding OMB circular A-76, debatable for 20 minutes;

an amendment by the gentlewoman from West Virginia (Mrs. CAPITO) regarding private collection, debatable for 20 minutes;

an amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba, debatable for 1 hour;

an amendment by the gentleman from Massachusetts (Mr. DELAHUNT) regarding Cuba;

an amendment by the gentleman from New York (Mr. RANGEL) regarding Cuba;

an amendment by the gentlewoman from California (Ms. LEE) regarding Cuba;

an amendment by the gentlewoman from California (Ms. WATERS) regarding Cuba;

an amendment by the gentleman from Texas (Mr. STENHOLM) regarding the debt limit, debatable for 20 minutes;

an amendment by the gentleman from Illinois (Mr. GUTIERREZ) regarding the Comptroller of the Currency, debatable for 30 minutes;

an amendment by the gentleman from Virginia (Mr. MORAN) regarding chapter 89 of title 5 of the United States Code, debatable for 20 minutes;

an amendment by the gentleman from North Carolina (Mr. BUTTERFIELD) on disadvantaged business enterprises;

and an amendment by the gentlewoman from the District of Columbia (Ms. NORTON) regarding Federal employee health benefit plans.

Each amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed or a designee; shall be considered as read; shall not be subject to amendment except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations for the purpose of debate; and shall not be subject to a demand for a division of the question.

Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in the request if it addresses in whole or in part the object described.

AMENDMENT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTIERREZ:

At the end of the bill before the short title, insert the following new section:

SEC. _____. None of the funds made available in this Act to the Secretary of the Treasury may be used to take any action to enforce the rule submitted by the Comptroller of the Currency relating to bank activities and regulations, published at 69 Fed. Reg. 1895 (2004) or the rule submitted by the Comptroller of the Currency relating to bank activities and regulations, published at 69 Fed. Reg. 1904 (2004).

The CHAIRMAN pro tempore. Pursuant to the order of the House on Tuesday, September 14, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume.

I regret having to offer this amendment, which blocks funds to implement and enforce the OCC preemption regulations issued earlier this year. The last time we addressed this issue on the House floor was during consideration of the Commerce, Justice, State appropriations bill. The gentleman from California (Mr. SHERMAN) and the gentleman from Idaho (Mr. OTTER), my able colleagues, offered an amendment at that time that would have prevented any funds in that bill from being used to enforce these preemption regulations.

At that time the opposition did not argue against the substance of our concerns, these ill advised preemption regulations that prevent State attorneys general from protecting their consumers. Instead, those opposed to our amendment merely put forward procedural arguments and indicated that this matter should be taken up under regular order, considered in the Committee on Financial Services.

We strongly agreed with those sentiments. In fact, 10 members of the Committee on Financial Services sent a bipartisan letter to the chairman of the committee as well as to the chairman of the Financial Institutions and Consumer Credit Subcommittee. In this letter, we asked for consideration of legislation to overturn the preemption regulations that I introduced in April of this year. This letter was sent 2 months ago, July 21, 2004, and we have not received the courtesy of an acknowledgment, much less a substantive reply. Therefore, we are forced to once again address this issue on appropriation legislation.

That is truly unfortunate, Mr. Chairman, because many Members on both sides of the aisle believe that these regulations not only represent a drastic expansion of the OCC's power but they also greatly exceed the OCC's congressionally granted preemption authority. Furthermore, the OCC's regulations effectively deny citizens the protections of their States' predatory lending and other consumer protection laws. While the OCC claims that it can provide consumer protection equal to that currently provided by State consumer protection agencies and the State attorneys general, we are concerned that replicating the functions of 50 State consumer protection agencies would require an enormous increase in the budget and the power of the OCC, yet will still deny millions of consumers the same level of protection they currently enjoy today from their State regulatory agencies.

Perhaps the most important question regarding the preemption amendments is whether Congress intended to allow the OCC to preempt all State consumer protection laws applicable to national banks. Clearly it was not the intent of Congress to create a national banking consumer protection agency when it granted the OCC limited preemption authority.

I thank the gentleman from Texas (Mr. PAUL) for his cosponsorship in support on this issue. But there is still time to enact on this legislation before the end of session. After all, we are only asking that we have a subcommittee hearing.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the gentleman from Illinois (Mr. GUTIERREZ) and his concerns over this issue; and it is my understanding, and I am sure he will correct me if I am wrong, that after we spend

the time on the debate that the amendment is actually going to be withdrawn.

□ 1030

But it does not mean that the gentleman does not raise important issues.

The conflict between chartering and laws related to State banks and national banks is an ongoing one and, frankly, I have not studied it enough to know whether I would agree or disagree with the gentleman and his comments.

But I do know that this is not the proper forum to have this debate. This is something that probably should be brought up by the authorizing committee, because this goes so much to the heart of the very structure of the banking system in the United States. It should not be decided lightly. It should not be the subject of quick debate and superficial thought by this body. It demands long consideration. It requires hearings, and it requires very, very careful scrutiny.

The regulations which the gentleman mentions have already been in effect for a great number of months. Catastrophe has not happened. I do not believe that it is necessary for this House to adopt this amendment, and certainly, it is not proper for us to decide banking structure of the entire country in a few minutes of superficial debate on this crucial issue.

This is not the bill where we should decide this issue. This is not the time. This is not the place, and I oppose adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I thank the gentleman from Illinois, the home of the greatest Republican President of the United States, for yielding me this time.

I hearken back to the Grand Old Party that gave us Teddy Roosevelt and reflect on how far that party has fallen in the area of consumer protection, to the point where we now have the most anticonsumer administration in the history of this country, an administration so dedicated to stripping away all protections for consumers, so dedicated to unbridled corporate power, that they would trample on other values they claim to hold dear, all in an effort to expose consumers to some of the worst practices in the home mortgage market.

The Grand Old Party claims to care about States' rights, and then they use the power of renegade regulators to strip away all State authority to protect consumers in home mortgage lending situations, when our land law and our mortgage law has traditionally been a matter of State jurisdiction. They claim to care about democracy, but instead of this major decision being made by the elected representatives of the people, it is made in the bowels of the bureaucracy.

The gentleman from Oklahoma correctly points out that the committee of jurisdiction should be focused on this, but instead, a party dedicated to corporate power does not deal with this in the Committee on Financial Services where the gentleman from Illinois and I both sit.

Mr. Chairman, there is one other value that is trampled on, and that is the value of fair market competition. Because what this OCC regulation does is it says that if you are a national bank, you do not have to abide by any of the State laws. But if you are one of one-half of the banks that is State chartered, well, then, you do. And frankly, some of those laws are rather Draconian. So it provides a very unfair advantage to one-half of the competitors, particularly the largest ones.

Finally, it creates a race to the bottom among bank regulators. Now, the national banks are exempt from consumer regulation, so what do the State regulators do if they want market share, if they want to stay in business, if they want to have any banks to regulate? The pressure is on them: Race to the bottom.

What we need instead is to get rid of this regulation, to return to a democratic process in which States can protect consumers and where, if we are going to have national standards, they are established by a Congress not looking to strip away all consumer protection but rather a Congress looking to provide a reasonable level of consumer protection and a reasonable level of access to credit.

It is time to rein in the renegade regulators. One would have thought that the folks on the other side of the aisle would be saying just that.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), the ranking member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Comptroller of the Currency's regulations, preemption regulations, are a huge expansion of that office's power. They exceed the OCC's congressionally-granted preemption authority. The rules effectively deny citizens the protections of their State's predatory lending and other consumer protection laws.

The OCC claims that it can provide the consumers protection equal to that currently provided by State consumer protection agencies. However, replicating the functions of 50 State consumer protection agencies will require an enormous increase in their budget and power. Congress did not grant, in any understanding of mine, the OCC unlimited preemption authority so the OCC could preempt all State consumer laws applicable to the national banks and, thus, become a national consumer protection agency.

Even supporters of this expansion should be concerned when such changes

in policy are undertaken without the explicit consent of Congress. Expanding OCC's preemption authority should come only after a full debate and a vote by the people's representatives in this Congress, not by the agency's unilateral action.

This amendment, which is a limitation amendment, a limitation on funds, is the only opportunity to have this debate. Since stand-alone legislation is not likely to be considered by Congress this year, despite the efforts of the opponents of OCC's preemption to work with the Committee on Financial Services to advance legislation dealing with this issue.

Because it is a limitation amendment, while I agree with the chairman of my subcommittee that the issue ought to be taken up at the authorizing level, it is entirely appropriate to be brought up here as a limitation amendment by the gentleman from Illinois, and I support the amendment as a limitation amendment as entirely legitimate in controlling this abuse of power and this grab of power that, it seems to me, is not authorized by the legislation as it sits.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that we wrote this letter on July 21, after we had the appropriations markup here on the House Floor. And it was stated by the gentleman from Alabama (Mr. BACHUS) that we should go back to our committee.

Well, 10 Members, bipartisan, sent the letter and said, Let us have that markup; let us look at the OCC.

I just want everyone to understand that they have said continuously that local government, State government at the local level are the incubators of democracy, and we should let local governments do it because they do it best, and we should get the Federal bureaucracy less and less out of people's lives. Well, guess what the OCC, the big Federal bureaucracy has just done to every Attorney General across this country? It said, Step aside, we are in charge of consumer protection. That is wrong.

Lastly, just so that my colleagues know, you only can call them Monday through Thursday, Monday through Thursday if you have a complaint. I have checked all the 50 States and all of the attorneys general of all the 50 States. Fortunately, they work 5 days a week, some of them more than 5 days a week, with local offices closely accessible.

So I am going to withdraw the amendment but suggest that we are going to continue to have these debates until we have a vote up or down on the OCC and whether it can or cannot do this.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Gutierrez amendment barring the use of funds to enforce the OCC preemption regulations. This amendment is supported by a bipartisan group of members of the Financial Services Committee who have been

frustrated in our efforts to bring legislation on this important issue before the Committee for full debate and action. We are concerned that the recently issued OCC preemption and visitorial regulations deny our constituents the benefits of State predatory lending and other consumer protection laws.

The OCC's assertions that it will provide the same level of consumer protection are simply not realistic. To duplicate the State regulatory apparatus would require a huge increase in the size and budget of the OCC—and more to the point, a huge increase in regional experience and intelligence that the agency simply does not have. Recent crises such as the Riggs Bank fiasco have put in doubt whether the OCC can do the job it has now, let alone taking over the job of the 50 State banking regulators.

Legislation has been introduced to address this issue. Ten members of the Financial Services Committee, including myself, signed a letter asking that it be brought up under regular order. But there has been no action to allow members of the Committee to debate and vote on it, and to bring it to the floor.

This matter is urgent, and it is not appropriate to simply bury it by inaction. Thus, we are forced to offer this amendment as a way to arrest the regulations so that we can have the appropriate process to debate and vote on this important issue. It is a regrettable, but, unfortunately necessary, step.

I ask for your support for the Gutierrez amendment so that this body can all have a chance to examine the OCC preemption regulations before they take effects and damage our State regulatory systems.

Mr. OXLEY. Mr. Chairman, I rise in strong opposition to the amendment.

By seeking to undo regulations governing the proper application of State laws to national banks, this amendment goes to the heart of the Financial Services Committee's jurisdiction over banking matters. During this Congress, the Financial Services Committee has held two hearings addressing the OCC's regulations. The hearings revealed deep divisions between those who, like the proponents of this amendment, are critical of the OCC's regulations, and those who believe they represent a thoughtful codification of long-standing statutory and judicial precedents. I fall into the latter camp.

Based on the Committee's hearings, it is clear that there is no consensus at the present time on the merits of the OCC's regulations. Legislation introduced by Mr. GUTIERREZ to invalidate the regulations under the Congressional Review Act has received little support. To attempt to legislate a resolution to this highly contentious issue in an appropriations bill—over the strong objection of the leadership of the Committee with jurisdiction over the substantive issue and with no opportunity for input from that Committee—subverts the regular order of this House.

The rules that Mr. GUTIERREZ disagrees with were finalized earlier this year, after a lengthy period for public notice and comment. The rules have been in full force and effect for most of the year, and the dire consequences predicted by Mr. GUTIERREZ have simply not materialized. National banks continue to be closely monitored for compliance with applicable consumer protection laws, and the State banking system remains strong. Two Federal judges have recently dismissed legal chal-

lenges to the OCC regulations filed by States against national banks, upholding the OCC's exclusive authority to regulate the lending activities of national banks and their operating subsidiaries.

Finally, it is unclear what effect—if any—this amendment might have. Given that the OCC is self-funded, and any litigation to enforce the regulation would be undertaken by the Department of Justice and not the Department of the Treasury, I am unclear about what effect this amendment might have.

For all of these reasons, I urge Members—regardless of their views on the underlying OCC regulations at issue—to strongly oppose this amendment.

Mr. GUTIERREZ. Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to use this as an opportunity to notify Members who are listening: We are here on the floor. We have entered into time agreements for discussion on amendments, but the Members who are to present those amendments are not here on the floor. We need them to come to the floor to present their amendments so that we may move forward and resolve the consideration of this bill.

We know that we are not going to be able to complete bill consideration today because we have a short day so that Members can be home for Rosh Hashana observances later today, but I want to make sure that Members who have amendments are notified that they need to be coming to the floor. They need to be coming to the floor right now if they expect to present their amendments. Otherwise, they would lose the opportunity, of course, to do so.

Mr. Speaker, at this time, I am not aware of any amendments that are ready with Members here on the floor to present them.

So I have nothing further to add to my remarks at this time if the Chair wants us to wait a few minutes for Members to arrive. But I wanted to give that information.

The CHAIRMAN pro tempore. The Committee will wait for Members offering amendments.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this opportunity to say that the chairman has already indicated that we have a list of about 20 people who supposedly have amendments. And some of these have been planned for specific times, but some of them are open and have been planned for today. And if they have their amendments and they have been planned for today, then they should be here at this time.

But, in the meantime, I think it is worth spending just a few minutes in

reviewing the situation that we found ourselves in last night. The legislation that we have before us is the yearly appropriations bill for the Subcommittee on Transportation, Treasury, and Independent Agencies appropriations. Year after year, this committee operates within the authorization by the Committee on Transportation and Infrastructure, and now, in this particular year, we do not have an authorization for at least 11-plus months of the year. And the authorization for most of the major transportation issues, which include the Federal Highway Administration, the Federal Transit Administration and the Federal Rail Administration, are all included in that bill which has not yet been passed. The authorization for even the extensions of authorization are only until September 24, just a matter of a week or so away, a little bit more than a week away, and do not extend into the fiscal year for which we are passing legislation.

So the Committee on Transportation and Infrastructure, which obviously has been trying to get an authorization bill through, and there has been tension between the House and the other body and with the President, with the administration, over what that bill should look like, have clearly not been able to make a bill that can be passed by the House and the other body and passed into law so that we could operate within our normal authorization process.

So, I think, while I am not sure of this, but in order to get to that point where they can get a bill passed, they felt it necessary to essentially eliminate all of the sections, all of the money sections, a total of \$50 billion in expenditures which have to do with transportation procedures, and to eliminate essentially all of that last night, through points of order which, under our rules, were sustained, and therefore, \$50 billion of expenditure for all of our important transportation programs got held up, taken out of the bill.

□ 1045

Construction dollars are worth 40 to 45,000 jobs per billion dollars of construction moneys. Not all of that was construction dollars, but a great portion of it was construction dollars; and so that has a very major effect upon the whole economy of the country.

So in the process, we have now a situation where we will not be able to do an authorization bill within the time frame of the fiscal year apparently; and, therefore, we will be stuck in a process where this appropriations bill itself cannot be completed, maybe it was not going to be completed, until some time in November; but it may not now be possible to complete it until some time into next year. Probably will not be possible to complete it until there is an authorization bill, whenever that happens to be.

So it has been a really horrendous kind of a process, a real failure of the

legislative process. It has been impossible to get an authorization bill prior to the appropriation legislation.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUTTERFIELD:

At the end of the bill before the short title, insert the following:

SEC. 647. None of the funds made available in this Act shall be used to pay administrative expenses to State and local departments of transportation that the Secretary of Transportation determines do not recognize a certification of a disadvantaged business enterprise by any other State (as defined in section 401 of title 23, United States Code).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Chairman, I yield myself such time as I may consume.

I thank the Chair for the opportunity to offer this amendment. I want to speak on this briefly, and then I will withdraw it.

The Federal Government has a stated goal of supporting small businesses and, in particular, minority- and women-owned small businesses. One way the Federal Government promotes these businesses owned by minorities and women is through the Department of Transportation's Disadvantaged Business Enterprise Program. This program has been shown to be effective when implemented properly.

In order to become certified as a DBE, the business must go through a long and rigorous approval process of interviews, audits, reviews, and visits so as to ensure that a company and its owners are who they claim to be. However, once certified, a business is forced to go through the process all over again if it wishes to conduct business in another State. The forms and criteria do not change from region to region, as they are all clearly standardized by the Department of Transportation. The two inches of paperwork and the approval process is so time consuming that companies can miss deadlines and thus lose contracts while waiting for a certification.

Since construction projects frequently cross political boundaries, these bureaucratic delays are frequent. This amendment, if signed into law, would prohibit the use of funds from this bill to be spent on administrative expenses and public agencies that do not recognize DBE certifications by other State or local DOTs.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The CHAIRMAN pro tempore. Pursuant to the order of the House on Tuesday, September 14, 2004, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment that would reduce this appropriations bill by 1 percent, which would have been \$899 million at what we started out. I am not sure what it will be now, 1.25 maybe if it continues like it was last night; but I am sure that this money will come back into the bill as we go along. So I would like to offer this 1 percent amendment.

My amendment is not intended in any way to slight the chairman or the ranking member. I know this has been a difficult task to draft this bill, and it is still difficult to try to put it together and make it come out like it should, and they are doing a good job of that. The chairman has worked with me very closely on some of this effort.

However, I again today offer the amendment to cut the level of funding in this appropriations bill. As most Members are aware, I have offered a series of these amendments over the last weeks as we have dealt with the appropriations bills. If we had adopted these amendments, Congress would have saved \$3.2 billion for the American taxpayer. Currently, the projected deficit is over \$422 billion for just the next fiscal year, and I do not believe it is too much to ask that we tighten our belt just a bit; and by just a bit, I mean we tighten our belt by 1 cent on the dollar.

We have to draw the line somewhere. The budget we have is too large. We can do something about the deficit right now. By voting for my amendment, my colleagues are stating to the American taxpayers that they should not have to pay higher taxes in the future because we cannot control our spending today.

Mr. Chairman, I encourage support for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume,

and I rise in opposition to the amendment.

With all due respect to my good friend from Colorado, I do rise in opposition to his amendment not because I oppose reducing spending. I wish the budget that we have adopted for this year was spending less money than we are overall. However, at some point, we make decisions, we develop a group consensus and we have to go ahead with that.

We made those decisions, Mr. Chairman, when we adopted the budget earlier this year. There were proposals for lower spending limits along the lines of what the gentleman from Colorado (Mr. HEFLEY) is talking about. I believe I supported those efforts, but we did reach a decision on what is the total amount of spending in this year's budget. We made the allocation to the individual subcommittees, and now we need to work within that particular framework.

If we adopted a revisiting of the amount today on one bill, then we do on other bills and so forth, that is fine; but we could do it at the next stage and next stage and so forth. We have to have a concept of finality. We have reached conclusions on the overall spending level for this year. Once we have done those, we need to work within those guidelines.

Secondly, when my colleagues want to reduce spending, as I do want to reduce Federal spending, it is much better to take a thoughtful approach and go through bills and say if we are not going to spend as much, this is where we cut because it is not as high a priority as some other things that we are doing in that piece of legislation.

The gentleman from Colorado's (Mr. HEFLEY) approach is not as good as that. It is an across-the-board approach. It reduces high-priority programs by the same amount that it reduces low-priority programs. That is not the best approach that we should be taking.

Again, we have made the decision on the overall spending for this year, and we should accept that decision and move forward with the appropriations process.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, let me correct just one thing.

The gentleman makes a very good argument. By the way, we should have dealt with this at budget time; there is no question about that. The way this amendment is crafted, it does not reduce high-priority programs as well as low-. It allows the administration to determine where the 1 percent comes from; and, hopefully, they have got the good sense to not take it out of the high-priority programs.

I thank the gentleman for yielding.

Mr. ISTOOK. Mr. Chairman, I appreciate the gentleman's comments. I have a lot of faith in this administration. However, when we are deciding

what is high priority and what is a lower priority and, therefore, where our reductions should be made, I want to make sure that this Congress is involved in exercising our judgment, not only the administration.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time.

I, too, oppose this amendment. This is a bill which I had already indicated last night is very underfunded. Every one of the transportation programs in the bill, even before last night's activities of striking out parts of the bill, had been underfunded, and that includes, at least in terms of an inflationary increase, even the Highway Administration; but the Federal Aviation Administration and the Federal Rail Administration and the Federal Transit Administration are all below last year's 2004 enacted numbers in their totality, as well as the Treasury being in a similar situation.

They are in a situation where even before the things that had been removed last night had been done, the Rail Administration was \$365 million below the enacted 2004 number. Under the Federal Transit Administration, the New Starts was \$130 million below last year's enacted amount. The FAA's facilities and equipment program was \$362 million below the enacted amount. The Secretary of the Treasury and the Department were \$120 million below last year's enacted amounts, and the Internal Revenue Service was \$107 million below last year's enacted amount.

All of these throughout the bill, there are those kinds of things which are already considerably more than 1 percent kinds of cuts from the previous year, and so I think that we are far from where we ought to be with this bill at the moment, and I am hoping the gentleman's amendment is not adopted.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT NO. 10 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mrs. CAPITO: Page 166, after 3, insert the following new section:

SEC. 647. None of the funds appropriated by the Act may be used to plan, enter into, implement, or provide oversight of contracts

between the Secretary of the Treasury, or his designee, and any private collection agency.

The CHAIRMAN pro tempore. Pursuant to the order of the House on Tuesday, September 14, 2004, the gentleman from West Virginia (Mrs. CAPITO) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

My amendment to H.R. 5025 seeks to keep the collection of taxes in the IRS and not to a private debt collector. I wish to make it clear today that I am in complete support of efficient and effective enforcement of tax collection activities at all levels of the Federal Government. I also realize that we must recover the billions and billions of dollars in uncollected and delinquent tax revenue, but at what cost.

If we authorize the Treasury to allow the IRS to contract with private companies to collect delinquent Federal taxes, I am extremely concerned that harm could result from handing over sensitive personal and financial tax information to private sector businesses to carry out what OMB and IRS have officially characterized as an inherently governmental function.

Allowing for private debt collection contracts could create a multitude of problems. For instance, any negligent or criminal disclosure of sensitive taxpayer data by private sector tax collectors could result in fraudulent charges through identity theft and ruined credit histories for innocent taxpayers.

Moreover, the potential for harassment by debt collectors is compounded by the private sector tax collection practice of using incentive-based commission compensation. In other words, the more aggressive one is in their collection practices, through misrepresentations or threatening to take actions a person should not take, the more money they can personally make as a private sector tax collector. This system could encourage much more confrontational and abusive tactics that could violate the Fair Debt Collection Practices Act.

Additionally, the Federal Government has tested this concept of private sector tax collection in the past. In 1996, a pilot program provided \$13 million to examine the impact of private tax collection. The General Accounting Office reported that private companies collected \$3.1 million in revenue while incurring expenses to the Federal Government in the exact same amount. Moreover, the GAO found that the pilot program caused the Internal Revenue Service to lose as much as \$17 million in lost collection opportunities. We cannot afford to implement this type of inefficiency.

Mr. Chairman, the Reagan administration rejected private sector tax collection in 1986; and they stated: "The

public must be assured at all times that the person collecting taxes derives no personal benefits from that activity and that the integrity of the tax system will not be compromised."

□ 1100

I urge my colleagues to support this amendment so that we can continue to ensure the integrity of our tax system and the American taxpayers are protected.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate Mrs. CAPITO's amendment and the seriousness of this issue. When we talk about private collection of debts, we should understand that the Federal Government is already using private debt collectors in other areas. One significant example is student loans. I have certainly visited facilities where private companies are handling the confidential information involved. They are handling it with responsibility. They are handling it in compliance with all legal standards, and they are doing a very good job for the Government, not only getting revenue that we would lose otherwise if we did not collect on the debts but collecting on debts that the Federal Government was having difficulty being able to collect upon.

Not only is this happening in the Federal Government, it is happening in State government. We have a number of States that already use private vendors to collect delinquent taxes on behalf of their State government. Again, they manage to handle these issues of confidentiality in a very responsible manner. There is no reason to believe that a private entity is unable to do this.

There is reason to believe, however, that we have to do some serious things about improving the collection process. There is some \$16 billion that the IRS says is not only owed but is collectible. However, it is not always efficient for the IRS to be the entity that does so. We need to have a mix of the people that are working directly for the IRS and those that are working for a private entity to collect these debts.

And for those that are concerned about our shifting jobs away from a particular area where debt collectors may be located, remember those same people can be hired in that area just as easily, in fact, sometimes more easily than they can in another. It is not a job loss issue for local communities. We have seen so often, when we make a transition to try to involve private enterprise, that often they will be in the same area as the public enterprise was located to collect these.

This is an issue that is, frankly, premature, however, because even though there are good reasons to go to this, we do not have legislation that now permits it. Mrs. CAPITO's amendment says: Do not do this. Well, guess what? Under

the current law, we cannot do it any way. So it is not necessary to adopt an amendment to say do not do something that the law currently does not permit you to do.

I would like us to move in that direction. I will certainly acknowledge that, but we are not there yet, and it is unnecessary to have an amendment that stops us from doing something we cannot do at the current time. For these reasons, I oppose the gentlewoman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I commend my colleague, the gentlewoman from West Virginia (Mrs. CAPITO), for offering this very important amendment to ensure the fair treatment of the American taxpayer.

Mr. Chairman, it was just back in 1998, in response to concerns over overly-aggressive IRS collection tactics against individual taxpayers, that the Congress passed the IRS Restructuring and Reform Act. That act specifically prevents IRS agents and their supervisors from being evaluated or rewarded based on the amount of tax revenues they bring in or that they collect.

And the reason for that was very simple and straightforward: We want to make sure that IRS agents treat taxpayers fairly and with respect and that they look at each situation objectively. We wanted to make sure they did not have a personal financial stake in the outcome of one of their disputes for the taxpayer. We should not turn IRS agents into bounty hunters for their own personal profit.

Well, now let us fast forward to this year. In the corporate tax legislation that we considered earlier this year, the FSC/ETI bill, there was tucked in a provision that would authorize private contractors to take up these collection efforts and directly benefit on a commission basis by how much they collect. How quickly we forget. This is a direct contradiction to the policy this Congress took back in 1998 when we said we are not going to allow our Federal civil servants to do this. But, hey, it is okay to turn it over to private contractors and turn them into bounty hunters.

Now, it is true, as the chairman of the subcommittee said, that that is not current law yet. But that bill is in the conference committee right now with that provision that this House passed. I do not think many Members of this House realized, who voted for that bill, when they passed that corporate tax bill, they passed a provision that would empower private collection agents to go out and collect taxes and personally profit based on the amount of taxes they collect, these same individuals who, in 1998, voted to prevent public civil servants at the IRS from doing it.

This Congress was right back in 1998 when it passed that measure to ensure objective and fair treatment of the American taxpayer, and it is amazing to me that this Congress would try to reverse that policy and turn some private collection agents into vigilantes to go out and try to collect this money.

I offered a resolution last year, H. Con. Resolution 213, on exactly this issue. We have many cosponsors on that legislation. I am pleased to hear today we have additional recruits to that very important cause. We have a system that works now. We need to do better and be more efficient at the collection of taxes and revenues in order to be fair to those people paying their taxes in a regular and fair manner.

But it makes no sense to reverse the policy this Congress took in 1998 when it tried to prevent overly-aggressive and abusive tax collection by the IRS and say we are going to allow these private contractors to do what we will not allow our public servants to do. We were right then; we should stick to that policy. I commend my colleague for offering this very important amendment, and I urge adoption.

Mr. ISTOOK. Mr. Chairman, how much time remains on either side?

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentleman from Oklahoma (Mr. ISTOOK) has 7 minutes remaining, and the gentlewoman from West Virginia (Mrs. CAPITO) has 4 minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I must admit that I find the idea of putting private, sensitive information in the hands of debt collectors very troubling, and tax collection is a fundamental responsibility of government.

However, in this instance, this program is limited to the effort, the proposal at least. And there is, as the chairman has pointed out, there is no legislation yet allowing this to be done. The proposal that has been put forward is only to use private collectors to go after what monies have already been adjudicated but not collected, that have just not been paid in after the judgments have been reached and the determinations by the normal staff of the IRS as to what was owed has been determined.

So there is out there for years people who have just avoided doing that. And it is not our business, necessarily, to go after them and waste a lot of time on the part of our staff in the IRS to go after that, nor is it necessary that there be any particular information, sensitive information, that has to be involved in that kind of process. The collection agency, as proposed, would merely go out and take what record is there of the determination of the tax case and try to negotiate a payment so that that record could be cleared.

There are billions of dollars of that sort.

Now, that has nothing to do with the \$300 billion of unpaid tax monies each year that are essentially evaded year by year, people who just are not paying what is owed under the tax laws in the normal process on a year-by-year basis. That kind of money is not involved in this whatsoever.

It is also true that the process has been tried a couple of times in a pilot form and has not been particularly successful. So it needs to be looked at rather carefully. I do not, as the chairman has said, think that we really have a problem, but I do not think we should eliminate the possibility of having that arrangement as a way that we can collect the delinquent, long-time unpaid judgments that the IRS has obtained over time.

It is my understanding, at least in the proposal that had been put forward, that there would be no effect upon the number of employees that were the regular employees of the Internal Revenue Service. So it is quite apart, but it has not been authorized and really does not require this. The amendment is not really needed.

Mrs. CAPITO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentlewoman from West Virginia for yielding me this time, and I rise in support of her amendment.

Essentially, what her amendment does is prevent the privatizing of tax collection, and I think this is really very important. My overriding objection to privatizing tax collection is that it has always been treated as an inherently governmental function. And I think that the Federal employees who do this do a great job, and we should be proud of them. Speaking for myself, I am a Federal employee, and I have spent many years of my life as a Federal employee. I think the Federal employees do a great job.

I have met in my congressional district with IRS employees who work on these important tasks, and they themselves have expressed to me serious concerns about the proposal that this amendment will correct.

I think that, in this era of electronic information sharing, we have to be very careful with how we outsource or privatize some of these tasks. On that basis, I support the gentlewoman's amendment and thank her for it.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in opposition to the amendment by my colleague and friend from West Virginia.

Preventing the IRS from using the professional services of private collection agencies to help collect past-due income taxes is bad policy for taxpayers, and it is bad for IRS collection efforts. It is fundamentally unfair, Mr.

Chairman, to people who pay their taxes for those who do not pay their taxes, the deadbeats, to get off scot-free. And right now, we are losing millions and millions of dollars because of deadbeat taxpayers. In fact, the backlog for the IRS is at \$280 billion; that is billion with a "b" and growing every year.

The concerns raised by my friend and colleague can be dispelled by objective study of the IRS proposal. The Subcommittee on Oversight of the Committee on Ways and Means has examined the issue extensively, and we have solid evidence of the success of private collection agencies in collecting other debts for the Federal Government and the more than 40 States that also use them to help collect State income taxes.

First, the security and privacy of sensitive taxpayer information is absolutely essential. Nobody doubts that. That is why IRS employees, anyone performing work under contract with the IRS, would be subject to heavy, heavy criminal penalties for violations of security and privacy.

In addition, a taxpayer could bring a civil suit under the Fair Debt Collection Practices Act against private collection agency employees for any unauthorized disclosure of taxpayer information. So there are protections to guarantee against the type of abuses that have been cited.

Second, private collection agencies would not be compensated solely based on dollars collected. The IRS has developed a set of criteria, including quality of service, taxpayer satisfaction and case resolution, in addition to collection results. These would all be components, elements in determining how PCAs would be paid for the work performed for the IRS.

Third, Mr. Chairman, more than 40 States already use private collection agencies to assist with their State tax collection efforts.

□ 1115

In the last fiscal year, total collections by these private collection agencies for the Department of Education, the Department of Health and Human Services and Treasury were \$546 million, up 23 percent from the previous year.

Mr. Chairman, let us get real. Disturbing allegations raised regarding the practices of one contractor should not taint the quality work done by many other collection contractors who are serving the States and Federal Government well. It is important to remember these collection contracts would only involve cases in which the tax liability is not in dispute because taxpayers have admitted to the liability. They have admitted they owe the tax. The more complex cases where liability is disputed would remain with the professional employees at IRS. I urge my colleagues to support taxpayer equity and vote no on this amendment.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Chairman, I rise in support of the Capito amendment to H.R. 5025. The attempt to significantly change the policy of Federal tax collections without serious discussion or debate among Members of Congress is extremely short-sighted. Federal tax collection is currently and should remain an inherently governmental function. Shifting the responsibility from the Federal Government to third-party entities has proven disastrous.

The IRS attempted private tax collection in the past with dismal results. The 1996 pilot program for private collection was so unsuccessful it was cancelled after 12 months, despite the fact it was authorized and scheduled to operate for 2 years. A review by the IRS Office of Inspector General found that contractors participating in the pilot programs regularly violated the Fair Debt Collection Practices Act, did not adequately protect the security of personal taxpayer information, and even failed to bring in a net increase in revenue. In fact, the IRS had a net loss of \$17 million for the failed pilot program.

When privatizing tax collection was proposed in 1986 during the Reagan administration, then-Treasury Secretary James Baker opposed the concept. The department's then general counsel in a letter to the House Committee on the Judiciary wrote, "The Department strongly opposes contracting out of the collection of taxes because it is likely to result in considerable adverse public reaction. The public must be assured at all times that the person collecting taxes derives no personal benefits from that activity and the integrity of the tax system will not be compromised."

The Federal tax collection system must retain the highest level of confidence among our constituents. While no one enjoys paying taxes, they at least want assurance that their personal information is protected by the government and used only for legitimate purposes in determining individual tax liability. Wrongful disclosure of tax information will do irreparable harm to the entire system. I urge my colleagues to support the Capito amendment.

Mrs. CAPITO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I rise to support the Capito amendment.

As a former FBI agent, we would be asked to get a subpoena to get the records contained in a tax filer's information, even as a Federal law enforcement agent in an agency right next door. Why, because it is the most invasive information the government asks of its citizens. And not only asks, but tells us we must submit. This is information worth protecting.

Any slip, any slide that takes away the faith and comfort and belief in the Federal Government to protect that information is wrong. They have not clearly shown in any way that they can protect this information.

I would strongly urge that we all stand together on this. For those of us who disagree with positions of the IRS or do not disagree, the information does not belong to the government, it belongs to the people. We should do everything in our power to keep it, including keeping inherently governmental functions within the government. At least there is accountability.

Mrs. CAPITO. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. WILSON).

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Chairman, I congratulate the gentlewoman from West Virginia (Mrs. CAPITO) for her leadership on this amendment, and include my prepared remarks for the RECORD.

I would like to point out that we appreciate the expertise and competence of the employees of the IRS, and I am happy to be here to support the gentlewoman's amendment which reaffirms our faith in these Federal employees.

Mr. Chairman, I rise in support of the Capito amendment to H.R. 5025. Under the proposed authority granted to the IRS in the FSC/ETI legislation to "contract out" Federal tax collections, the Federal Government is held harmless for any violations committed by contractors. Specifically, the legislation states:

"No Federal Liability.—The United States shall not be liable for any act or omission of any person performing services under a qualified collection contract." (section 6306(d) of H.R. 4520)

While the government can write contracts prescribing certain actions by contractors or their employees, the IRS does not have adequate contract oversight capabilities to ensure compliance. The Treasury Inspector General for Tax Administration (TIGTA) as recently as March, 2004 found that "... a contractor's employees committed numerous security violations that placed IRS equipment and taxpayer data at risk. In some cases, contractors blatantly circumvented IRS policies and procedures even when security personnel identified inappropriate practices." (TIGTA Audit No. 200320010)

Currently, IRS employees are the only personnel who may contact taxpayers and collect Federal income tax. These individuals are thoroughly trained in all laws and regulations governing the collection of taxes and are held accountable to the people. If IRS personnel commit violations, they are disciplined or terminated and taxpayers may take legal action against the IRS for such abuse.

Under this proposal, the accountability shifts to third-party contractors whose employees may or may not have any specific training and who are motivated by an economic incentive, through a commission based payment, to "push the envelope".

Because this proposal was contained in a very complex international tax bill, Members did not have the opportunity to directly consider this significant policy change. The Capito amendment provides Members with the opportunity and I urge all my colleagues to support the amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

I want to repeat my opposition to this amendment. I think Members recognize that private debt collectors sometimes behave in an abusive manner. I think we also realize that sometimes government debt collectors sometimes behave in an abusive manner. It is not a question of whether that person is employed by the government or in the private sector, it is the question of whether that person is a responsible individual that is well-trained and is handling themselves with integrity. That can be just as true in the private sector as in the public sector.

Many States already use private debt collection and have seen their rate of collections increase because of that. The Federal Government already employs private debt collectors to assist in collecting other Federal debts. For example, student loans that involve sensitive personal and financial information, that is done successfully as well.

The amendment is not only something that opposes something which I think is a promising opportunity, but it is also unnecessary because current law does not permit the IRS to hire private debt collectors. Therefore, the amendment really accomplishes no change from the current law and is unnecessary. I oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have stood to offer this same amendment, an amendment to restore the basic right of Americans to travel to Cuba. The Flake amendment has, for the past 3 years, enjoyed broad bipartisan support in Congress, and for good reason.

For the last 45 years, we have attempted to bring about regime change in Cuba, only to see Fidel Castro outlast nine U.S. Presidents, all the while his countrymen have been denied their most basic human rights. A compelling case could be made that our policy of isolating Cuba made sense during the Cold War. As a part of the Soviet Union, Cuba was actively exporting revolution with its troops around the world, but we are more than a decade removed from the Cold War. We now face new challenges, challenges that it can be safely said do not include the spread of Cuban-style communism.

Our challenge is to export freedom to Cuba, and for this cause our current policy is as outdated as the cars that ply the highways of Havana. How can

we promote liberty in Cuba with a policy that denies our own citizens the right to travel to the island? How can we foster respect for basic human dignity when we tell Cuban Americans they can no longer send soap and toothpaste to their long-suffering relatives in Cuba? Have we failed to see the long-term consequences of our policy? In a word, yes.

I should note that this blindness does not only inflict the Republican Party; the Democratic leadership has not offered a vision that is much clearer. Unfortunately, neither party can see past Florida when trying to decide what to do about Cuba.

With this bill today, and in other bills this year, we will appropriate tens of millions of dollars relating to Cuba. It is fitting that we ask for what purpose. So the think tanks in Miami can churn out more reports telling the Congress, unsurprisingly, that we ought to continue the current policy which includes giving them more money; so that daily television programs can be produced in Miami that Cubans will never see; so that a Little League team in Arizona will not be able to play baseball with their peers in Cuba; so that faith-based groups in Indiana distributing Bibles in Cuba can be fined for their evangelical zeal; or so a grieving daughter in South Carolina will not be able to attend her mother's funeral in Cuba?

As a Republican, I fail to see anything conservative about these policies. There is a saying no man is an island, yet our policy assumes that Fidel Castro is Cuba's only resident. The people of Cuba have suffered decades under his rule. Our policies, particularly those enacted just months ago, which limit family charity, have only added to their burdens.

Unfortunately, the timing of this legislation this year does not lend itself to a reasoned and thoughtful debate about our policy toward Cuba. Our efforts in this area have always been bipartisan in nature, but with elections so close and politics so raw, this debate would not receive the thoughtful deliberation it deserves.

I would like to thank those Members of Congress on both sides of the aisle who are working so hard for a more effective and reasonable Cuban policy, those who believe that promoting freedom in Cuba is best achieved by giving Americans more freedom. Our efforts will resume as soon as the electoral smoke clears.

It is my understanding that the gentleman from Florida (Mr. DAVIS) will offer an amendment to roll back the new restrictions on family travel by Cuban Americans to Cuba. My colleagues and I look forward to helping the gentleman with his worthy efforts.

Mr. ISTOOK. Mr. Chairman, I would like to be clear for the record and inquire of the gentleman from Arizona (Mr. FLAKE), this means the gentleman is not offering the Flake amendment either at this time or at any later time?

Mr. FLAKE. Mr. Chairman, if the gentleman would continue to yield, that is correct.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the pertinent portion of the existing unanimous consent agreement be amended accordingly to indicate the Flake amendment will not be considered.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Oklahoma (Mr. ISTOOK) his unanimous consent request must be made in the whole House.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Virginia:

Page 166, after line 3, insert the following: SEC. 647. None of the funds made available in this Act may be used to carry out, enter into, or renew any contract under chapter 89 of title 5, United States Code, which provides for a health savings account or a health reimbursement account.

The CHAIRMAN pro tempore. Pursuant to the order of the House on Tuesday, September 14, 2004, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit the Office of Personnel Management from being able to offer or administer health savings accounts or health reimbursement accounts as part of the Federal Employee Health Benefits Plan.

Just yesterday, the Office of Personnel Management announced that starting on January 1, the Federal Employee Health Benefits Plan will include the option of Federal employees to enroll in high deductible health plans which offer health savings accounts or health reimbursement accounts.

A bipartisan group of Members in both the House and Senate have expressed very strong concern that these plans are untested in either the public or the private sector. For that reason, they should be viewed very cautiously in terms of whether or not they should be included in the Federal Employee Health Benefits Plan.

As Members know, Mr. Chairman, the Medicare prescription drug bill which was enacted this past December included a provision unrelated to either Medicare or to prescription drug coverage. It expanded and renamed medical savings accounts as health savings accounts. They are the same thing. Because there was so much controversy surrounding medical savings accounts, I guess they felt renaming it,

they will have a better chance of getting it through, but the same objections apply.

□ 1130

Health savings accounts are plans that combine a high-deductible, catastrophic insurance policy with a tax-exempt savings account dedicated for health care expenses. Health reimbursement accounts are similar to these HSAs except that they are not tax-exempt and the plan account credits may only be used for health care expenses.

The general concern is that health savings accounts and health reimbursement accounts circumvent the fundamental principles of group health insurance by dividing healthy people from sick people, putting them into different coverage options. Healthier enrollees tend to gravitate to the health savings accounts and other so-called consumer-driven financing schemes because low health care users, those who are younger and healthier, oftentimes more affluent, they are rewarded with unspent balances or credits at the end of each year. But the less healthy enrollees, the older enrollees, the poorer enrollees, they avoid health savings accounts and these so-called consumer-driven plans because they could pay out-of-pocket costs in the thousands of dollars. They are almost sure to use up the entire deductible, so it becomes prohibitively expensive for older people to use these kinds of plans. As a result, higher health care users use the traditional comprehensive plans. The phenomenon is called adverse selection. And it forces insurance carriers to raise premiums, to cut benefits, in fact, to squeeze the people who need health insurance coverage out of the market. They are not going to be able to afford the kind of health insurance cost that they need because they are reducing the risk pool.

Adverse selection occurred when these health savings accounts as similar plans were offered to public employees in Ada County, Idaho and in Jersey City, New Jersey. As a result, the county and city stopped offering these plans to their employees. They did not work. We have that empirical experience. The nonpartisan Congressional Budget Office says that legislation introduced in the 105th Congress to make medical savings accounts available to the Federal Employees Health Benefits Program would have cost taxpayers \$1 billion over 5 years. This plan will cost taxpayers \$1 billion over 5 years and there is no offset in this bill for that additional cost. It is also projected that enrollee costs would skyrocket above the average annual premium increases. Obviously they are going to skyrocket because as you reduce the pool to the older, the sicker, the less affluent, it is a much higher risk pool and the insurance premiums are going to go through the roof.

Mr. Chairman, the Federal Employee Health Benefits Program has long been

heralded as the model health care plan. However, the inclusion of these health savings accounts or health reimbursement accounts will jeopardize the quality and it will raise the cost, the FEHBP program will not be as successful as it has been in the past, and many people will suffer as a result. We should not proceed with implementing these untested plans without knowing the impact of these very high deductible health plans, what impact they will have on the future of the Federal Employees Health Benefits Plan.

That is why this amendment is absolutely necessary. It is essential for the future viability of the Federal Employee Health Benefits Plan. We should not be making Federal employees a Petri dish for these ideological ideas, Mr. Chairman. They have not been tested. In the few places where they have been tested they have not worked.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding time.

Mr. Chairman, I want to address just the main criticism the gentleman from Virginia just mentioned. Two things. He says adverse selection, which means healthy and wealthy people will leave other health care plans and premiums will go up for everybody else. Point number one. The Office of Personnel Management took this concern very seriously. So when they constructed this new health savings account option within the Federal Employee Health Benefit Plan, an additional option for Federal employees, they designed the premium so that that would not happen. Specifically, Federal employees would pay \$42.25 every 2 weeks for the Mail Handlers high deductible plan compared to \$45.16 for the standard coverage, an insignificant difference of \$2.81 for every 2 weeks. For family coverage, the difference would be 11 cents. These very small differences in premiums will ensure that healthy employees are not attracted to HSAs by their premium. So the concern of the gentleman, which is a concern, was already addressed by the OPM.

But one more point and the second point is this. All of the data on adverse selection has been coming back and none of it has been true. This was a concern that we were very concerned about. We want to make sure that the healthy and wealthy were not fleeing traditional health care plans, leaving them in jeopardy, raising premiums for other people.

Since these plans have been offered since January and believe me, Mr. Chairman, they have been really proliferating, the data is showing us the opposite has occurred. The data is showing us that sicker, older people are being more attracted to health savings accounts.

A couple of statistics. Assurant Health Care Plan, the leading provider

of these in America, happens to be located in Milwaukee; 43 percent of their HSA applicants did not have any prior coverage at all. Forty-three percent of the people who bought these HSAs were uninsured. Thirty-two percent of HSA applicants had not had coverage for at least 6 months prior to enrollment. Half of all HSA applicants had incomes under \$35,000. That is from eHealthInsurance, the major clearinghouse of all HSA products, the big Web site you go to to buy an HSA. Half of all their applicants earned under \$35,000. EHealthInsurance again, the clearinghouse, 46 percent of HSA purchasers have family incomes less than 50 grand.

We are seeing that lower income workers and families are going toward HSAs and older, less healthy people are going toward HSAs. So the data is showing that that is not true.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds.

I would say to my very bright friend who I know feels very strongly about this, but the statistics that he cites are not with regard to public employees nor does it apply to the Federal Employees Health Benefits Plan, a very successful plan, one of the most successful in the country, where every Federal employee participates.

I would say to my friend that I do not know any Federal employee that has asked for this. Every Federal employee wants the system the way it is working now. I know thousands of Federal employees who are opposed to this.

Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for his amendment because what he is trying to do is to save the FEHBP from a catastrophic illness of its own. This plan is trumpeted as the model for the country. It will not be that way much longer.

I buy the gentleman's notion, my friend on the other side, that sicker and older people and even poorer people are sometimes trying to use these health savings accounts. The reason they are trying to do so is they are trying to reduce the rising cost of health care. What they do not know, of course, is what we already know, and that is that what occurs in the existing health care plan where people have comprehensive coverage is adverse selection that drives up premiums. I do not know if we have to go through the catastrophe ourselves. We have already had the most populous county in Idaho to go through it. They withdrew from the very same kind of plan that we have here in our system because of a huge rise in health care premiums as some employees got out, leaving those employees who were in the system in Idaho with a greatly elevated health care premium.

I do not know how many Idahos you have to have before it gets to the FEHBP. I do know this. Idaho pulled out, this county in Idaho, the largest

county in Idaho, with the most people, and one of the few public employers who in fact has used health savings accounts, they pulled out before the year was out because the escalation was immediate.

We have had a 7 percent rise in the Federal Employees Health Benefit Plan this year. This is the first time we have not been in double digits. It had nothing to do with health savings accounts. As we all know, it has had to do with the wild fluctuations in these accounts. What the gentleman offers is so important that if in our wisdom we do not in fact act now to prevent what I will call the Idaho catastrophe, where this public employer came out after less than a year of experience, that I put the House on notice that I will have an amendment that will keep people from gaming the system, because what Idaho found was that people will come into the system and when they recognize that their health services will go up in the next year they get out in time to go back into the comprehensive system, leaving, of course, people who are in that system all the time with the problem of continuing escalated coverage. I will have a fallback amendment if the House does not approve the Moran amendment.

I very much thank him for offering his amendment because his amendment is the right answer.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

(Mr. GUTKNECHT asked and was given permission to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Chairman, the gentleman from Virginia, whose opinion I respect on many issues, I think is just wrong on this. He mentioned a few minutes ago that he knows of no other Federal employees who would like to have this option. I cannot speak for all of the Federal employees, but I can speak for over a quarter of a million Minnesota public employee union members who want to have access to health savings accounts. Will they all choose them? I do not know. But I have letters here from the Minneapolis Police Relief Association thanking me and encouraging me to make certain that they have access to health savings accounts. I have a letter here from Teamsters Local 320 that represents public and law enforcement employees in the State of Minnesota both at the State and local level. They are encouraging me to make certain that they have access to health savings accounts. I have a letter here from the Minneapolis Firefighters' Relief Association. They want access to health savings accounts. I have a letter here from the Public Employees Retirement Association of Minnesota representing over 150,000 Minnesotans who want access to health savings accounts. I have a letter here from the Minnesota State Retirement System.

Mr. Chairman, what we have here is a conflict of visions. This is an impor-

tant and very critical debate in where we go with health care reform. The question is whether or not we are smart enough to make all of these decisions on behalf of these folks or if we allow them to make more decisions on their own behalf. I can only say that we have gone out and visited with representatives of public employee unions in the State of Minnesota, we have shown them the facts, we have shown them how these programs work, we have allowed them to make the decision, and the answer is almost unanimous, they at least want to have access to this option.

No one says that Federal employees or State employees have to choose this option. But if the Moran amendment passes, you will take that option away from them. Please do not do that. Please listen to the employees themselves.

MINNEAPOLIS POLICE

RELIEF ASSOCIATION,

Minneapolis, MN, June 30, 2004.

Congressman GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

RICHARD M. NELSON,
Vice President.

MINNESOTA STATE RETIREMENT
SYSTEM,
St. Paul, MN, July 26, 2004.

Congressman GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: I want to thank you for your leadership in establishing Health Savings Accounts for those under age 65. I strongly encourage you to support similar accounts that would be valuable for retirees age 65 and over.

As you know, rising health care costs and prescription drug costs have made it difficult, if not impossible, for many people to afford adequate health care coverage. Health Savings Accounts would provide a modest and extremely effective way to help pay for these costs.

On behalf of the 50,000 state employees and 23,000 benefit recipients covered by the Min-

nesota State Retirement System (MSRS), I encourage you to work with members of Congress and the Bush Administration to provide Health Savings Accounts to all retirees.

Again, thank you for your support and leadership on this and your attempts to lower prescription drug costs.

Sincerely,

DAVID BERGSTROM,
Executive Director.

PUBLIC EMPLOYEES RETIREMENT

ASSOCIATION OF MINNESOTA,

Saint Paul, MN, July 20, 2004.

Hon. GIL GUTKNECHT,
House of Representatives, Cannon House Office
Building, Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: The Public Employees Retirement Association (PERA) of Minnesota is seeking your continued leadership in addressing the issues associated with the Healthcare Savings Accounts (HSA). As you are well aware, with the enactment of the 2003 Medicare Act, individuals over the age of 65 were not included for participation in the newly created accounts.

Important to our participants—150,000 of whom are currently working local government employees and about 60,000 of whom receive monthly benefits from PERA—is ensuring not only a change in the Medicare Reform Act of 2003 to include the availability of the HSA to individuals over the age of 65, but also removing the language which ties Medicare ineligibility to HSA participation. HSA participation would provide a very modest way in which our over-age-65 retirees could defer taxes on some of their financial resources.

Our public safety retirees typically retire earlier than other public employees due to the physical and emotional stresses associated with their positions. Due to the earlier retirement, many begin paying their health insurance at younger ages, hoping to live out their retirement years without having to face financial difficulties. The HSA will help these early retirees until age 65, but as you know health care costs for those over the age of 65 are rising at a significant rate. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 a year. Losing the availability of the HSA at age 65 will prove ever more burdensome to individuals on limited retirement incomes.

We strongly encourage you to work with other members of Congress and the Bush Administration to advance legislation that is fair to retirees of all ages.

Again, thank you for all of your support and the leadership you have demonstrated in enacting the HSA legislation thus far. We look forward to your continuing assistance in this battle for affordable health care.

Sincerely,

MARY MOST VANEK,
PERA Executive Director.

MINNEAPOLIS FIREFIGHTERS'
RELIEF ASSOCIATION,
Minneapolis, MN, July 6, 2004.

Congressman GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over

65 retirees could tax defer some of their financial resources.

Our Firefighter retirees have dedicated their lives to serving the public and planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct this discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in the battle for affordable health care.

Sincerely,

WALTER C. SCHIRMER,
Executive Secretary.

MINNESOTA TEAMSTERS PUBLIC &
LAW ENFORCEMENT EMPLOYEES'
UNION, LOCAL NO. 320,

Minneapolis, MN, July 1, 2004.

Congressman GIL GUTKNECHT,
Cannon House Office Bldg.,
Washington, DC.

DEAR CONGRESSMAN GUTKNECHT: We are writing to you seeking your continued leadership in addressing Health Savings Accounts (HSA's). As you are well aware, in the 2003 Medicare Act, individuals over the age of 65 were excluded from participating in the newly created HSA's.

It is important that not only do the changes to the Medicare Reform Act of 2003 include participation for those over age 65 in the HSA's but the language which ties Medicare ineligibility to HSA participation must also be removed. HSA participation would provide a very modest way in which our over 65 retiree's could tax defer some of their financial resources.

Our public safety retirees put in their time and duty and had planned on living out their retirement years with not having to face financial difficulties. However, health care costs for those over 65 years of age have increased dramatically over the last decade. Supplemental insurance to Medicare can cost a retired couple up to \$8,000 per year.

We strongly encourage you to work with other members of Congress and the Bush Administration to correct his discrimination against our retirees.

Again, thank you for all your support and past leadership in the HSA's. Please continue to assist us in this battle for affordable health care.

Sincerely,

SUE MAUREN,
Secretary-Treasurer.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentleman from Virginia is recognized for 1 minute.

Mr. MORAN of Virginia. Mr. Chairman, I appreciate the information we were just provided by the gentleman from Minnesota, but the fact is that none of the employees that he cites would be affected by this amendment. This amendment only affects Federal employees, and every Federal employee organization is in favor of my amendment and opposes putting health savings accounts, the same thing as MSAs, into the Federal Employees Health Benefits Plan. I have a letter from the National Association of Retired Fed-

eral Employees. This is their biggest issue. Don't do this to us. More than a million people are saying, don't do this. I have a letter from the National Treasury Employees Union supporting my amendment, opposing what this bill would do. The American Federation of Government Employees opposes it.

The gentleman from Wisconsin cited some other employees apparently that said it was a good thing, but they are not members of the Federal Employees Health Benefits Plan. Those who would be affected do not want it.

Support this amendment.

□ 1145

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

I fail to understand how anybody is threatened by opportunity. When people say I want to keep the type of health plan I already have, they still have that option. They are not hurt by saying they have the options they have already and they have a new option; if they do not want it, do not take it. If somebody else wants it, let them take it. Why do we want to shut it off?

That is what the Moran amendment is all about, shutting off opportunity, telling people that if they do not like any of their current options, too bad, they do not get any other choices. The Office of Personnel Management has acted in a responsible manner to expand choices for people. We should let it happen. We should not have a knee-jerk reaction from people who feel threatened, for what reason I do not know; but there is no reason to fear what is going on here. We should reject the Moran amendment accordingly.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Chairman, I could not agree with the chairman more. This amendment provides us with an interesting twist on the norm. Usually, when we talk about Federal employees' health benefits, we hear arguments that other people deserve the benefits that Federal employees enjoy. Is it that you do not want the employees to enjoy the benefits that we are trying to get for the general public?

In today's debate, the landscape is different. I am astounded that the gentleman from Virginia is keeping something that the public enjoys out of the Federal system. He is telling us that HSAs are good enough for the American public, but not good enough for Federal employees.

I do not buy that. Let us take a look at the facts. HSAs put consumers back in the driver's seat. And Federal employees deserve that choice as well. A high-deductible plan means lower premiums, and lower premiums mean more cash to put away in an account to save for medical expenses as they arise. And contrary to critics' claims that

HSAs are untested, HSAs have seen astonishing success since their enactment in the Medicare bill. Tens of thousands of people have opened accounts. A host of insurers are offering plans, including Aetna, Cigna, and Assurant. HSAs have reduced the number of uninsured Americans, are working for people and their families from all backgrounds and ages. And, quite frankly, they belong in the Federal employee health benefit plan.

I think that we need to make all America equal; and, therefore, we should reject this amendment.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me this time, for this opportunity to speak in opposition to the Moran amendment.

It is important to know that nationwide, 49 percent of HSAs are being sold to families with children. That makes perfect sense. There are many years when young families do not have many medical expenses; but often during those years they have very expensive dental bills for braces. Does it not make absolute sense to let that family spend less money on premiums and have more money in their HSA so they can cover braces, which practically no employer plan covers?

That is why in this Nation we need to dedicate fewer dollars to the premium portion of health care and have more dollars in our consumer accounts because they can spend those dollars on anything under the Tax Code. That is broader than any employer-provided health plan in the Nation.

So of course families want HSAs. They can pay for braces. They can pay for glasses. If they have a child with a hearing deficit, and we know how many more children there are in America that need very significant and expensive health care in our special ed programs, they can pay for those kinds of costs out of their HSA.

Their HSA dollars can be employer-provided 100 percent. They can be employer-provided or pretax dollars from them. It is flexible. It is better health care coverage than any other employer-provided plan. And every Federal employee deserves the right, deserves the right, to dedicate fewer dollars to the insurance component of health and offer him or herself, frankly, the opportunity to buy with employer-provided or pretax dollars the full range of health and welfare benefits that those plans can afford. So I urge opposition to this amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, just three points need to be made about this amendment.

Point number one, this is an option from which Federal employees can choose. Why deprive them of this additional choice? They do not want the

product, they do not have to have it. Why take it away from them?

Point number two, just in case these adverse selection concerns are valid, that is why OPM designed this product with identical premiums so it does not occur. So they already addressed the concern just in case there is any adverse selection that occurs out there.

But now what we are seeing from the data is that adverse selection not only is not happening. The opposite is happening. Lower-income, older, sicker people are buying health savings accounts. The data we get every day is disproving this notion of adverse selection. But just in case OPM designed this so that the premium is virtually identical to the rest of the premiums so that there is a safety valve, an insurance policy, to make sure that those concerns are not validated, do not manifest themselves.

Do not take this option away from 8 million families. I urge a vote "no" on this amendment.

Mr. OLIVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me and for his leadership on this bill.

Mr. Chairman, there are several things that have been said that need to be clarified. First of all, this concept of medical savings accounts, health savings accounts, that is the same thing, has, in fact, not been shown to be successful. It has not even been tested. It just passed in December with the Medicare prescription drug bill. I mentioned two situations where they tried it out in Ada County, Idaho, and in Jersey City, New Jersey; and it was so unsuccessful, they had to terminate it. This does not work.

The gentlewoman from Connecticut talked about the need to be able to buy eyeglasses and dentures and so on. That is flexible spending accounts. We are in favor of flexible spending accounts. There is no problem with flexible spending accounts. That is not what we are talking about. We are talking about introducing a relatively radical new concept and using Federal employees as the guinea pigs.

The Federal employees health benefits plan has 249 different options, 249 different plans. This is not a problem with choice. The gentleman from Minnesota (Mr. GUTKNECHT), I believe it was, mentioned several public employees. They may not have the options. I am quite confident they do not have the options that Federal employees have. But the Federal employees health benefits plan is working. It is working better than any other health plan in the country, as far as I can see.

And now what do we want to do and why is this amendment so important? People who for ideological reasons, I think, more than any, perhaps to save some money, they are offering to young people, people who are the least

likely to get sick, people whose priorities are buying a home, providing for their start-up family, any number of things, purchasing an automobile and so on, health care costs are not a big priority because they are young and they are healthy. And relative to the rest of the country, they are relatively affluent.

So it makes sense for them to purchase these HSAs. Some will because there will be a lot of aggressive marketing telling them how much they will save. But the deductibles are enormous. If they do get sick, if there is an accident, then they are in tough shape. But a lot of young people are willing to take the chance. I would have taken the chance. Most of us, when we were in our 20s and early 30s, take the chance. But that chance is not availability to older and sicker people. That is why the National Association of Retired Federal Employees has this as their number one priority. Because what happens when these younger healthier people choose these HSAs, MSAs, they pull out of the risk pool. They are no longer insured. And as a result, we have two different classes. We have the young and the healthy who are insured by these HSAs, and we are going to have the older and the sicker who are in the traditional comprehensive plans because health care is a much greater priority for them.

So what happens to these traditional plans for the older, the less healthy, to some extent the less affluent people, what happens? The risk pool is reduced. It is more exclusively the people who are most likely to have serious illnesses, and so the premiums go through the roof. They skyrocket. What we have done is to divide up the health benefits plans between the young and healthy and the older and the sicker, and it is the older and the sicker who will not be able to afford the medical care they need.

What happens to the medical profession? We are going to start squeezing. The same thing is going to happen to Medicare. We will start squeezing reimbursement because we cannot afford the kinds of premiums. We cannot afford to pay 72 percent of the average cost of premiums. The Federal Government cannot; so we will be cutting back. So doctors will have their reimbursement back. Everyone is going to suffer except those folks who are willing to take the risk. And one day, 20 or 30 years from that decision-making point, they are going to wish that they were part of the larger pool.

This is terribly dangerous, Mr. Chairman. We cannot let this happen. Do not do this to Federal employees. Do not do it to the Federal employees' health benefits plan. Support this amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. MORAN) will be postponed.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ISTOOK:

At the end of title VI (before the short title), insert the following:

SEC. . The amount otherwise provided by this Act for deposit in the Federal Buildings Fund is hereby reduced by \$152,979,000, and, notwithstanding any other provision of this Act, the amount available from revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for in the aggregate amount of \$8,619,023,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, 2004, the gentleman from Oklahoma (Mr. ISTOOK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

This is a simple housekeeping amendment. As we noted yesterday, the various points of order that were raised would have the effect of increasing the amount of spending in the bill beyond our subcommittee's allocation. This amendment simply brings the bill back within our allocation pursuant to our 302(b) allocation and with what we told the House before.

Mr. Chairman, I reserve the balance of my time.

Mr. OLIVER. Mr. Chairman, I do not seek time in opposition. I rise merely to accept the amendment.

The CHAIRMAN pro tempore. No one seeks time in opposition.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

□ 1200

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used by the Council of Economic Advisers to produce an Economic Report of the President regarding the inclusion of employment at a retail fast food restaurant as part of the definition of manufacturing employment.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, September 14, the gentleman from

Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

When it comes to jobs, President Bush has a credibility problem, not just the White House applauding the offshore outsourcing of American jobs as a "good thing" then trying to explain that a good thing does not really mean a good thing; not just his Labor Department issuing guidelines to help companies avoid paying overtime to middle-class and low-income workers then insisting that they did not really mean for employers to actually use that guidance to avoid paying overtime; not just the fact that George Bush promised 6 million jobs with his tax cuts and has fallen 7 million short of that goal; not just that President Bush, in a 63-minute speech at the Republican Convention, mentioned the word "jobs" one time.

The particular credibility problem I am talking about can be summed up in one word: McManufacturing.

In the President's Economic Report, this is put out every year, signed by the President of the United States, by George Bush, this report referred to, in trying to answer the problem of lost manufacturing jobs in our country, and my State alone has lost 170,000, my State of Ohio alone has lost 170,000 manufacturing jobs, 150 jobs every single day since George Bush was sworn in 3½ years ago. So to deflect that, they have talked about changing the definition of manufacturing, and here is what they said. This is on page 73 of the President's economic report: "The definition of a manufactured product is not straightforward. When a fast food restaurant sells a hamburger, is it providing a service, or is it combining inputs to manufacture products?"

So here is what we got, according to the Bush administration, who knows they have a problem with the loss of manufacturing jobs, we got the kid in the restaurant at McDonald's or Burger King, whatever. He is setting up an assembly line. He unwraps the package, and then he puts the bun out. And then they chemically treat the beef. We call it cooking, but in George Bush administration legalese, I guess they call it chemically treat the beef. They put that on the bun. And then they take the lettuce, and they put that on and slice the tomato, part of the manufacturing process, and put that on. Then they chemically treat the cheese. We would call it melting the cheese. And then they get a foreign component. They bring french fries in and make some kind of happy meal of some sort.

I am not making this up. This is in this economic report.

My point is, Mr. Chairman, that we know what manufacturing is. We know what manufacturing is not, and these are the kinds of games the Bush admin-

istration plays to try to deflect attention away from what they have done with American manufacturing.

In my State of Ohio, we have lost one out of every six, one out of every six manufacturing jobs since George Bush took office. And his answer every time is more tax cuts for the richest people. If you are making \$1 million, you get a \$123,000 tax cut. That is not creating jobs in Ohio and across the Midwest in this country.

His other response is more trade agreements that continue to ship jobs overseas. It is clear, Mr. Chairman, we need a different direction. That different direction is to extend unemployment benefits to the 60,000 or 70,000 Ohioans who are looking for jobs but have lost their benefits; they have expired. This Congress will not extend unemployment benefits.

We also need to quit giving incentives to companies that send their jobs overseas. We continue to give them tax breaks instead of passing the bipartisan Crane-Rangel bill, which will give those companies that manufacture domestically, give them incentives. We need to stop those tax breaks, as I said, that ship jobs overseas and stop those tax breaks for those companies, in giving those companies contracts with the Government, like Halliburton and other companies, that continue to violate so much of what we stand for in our country.

Then the President wants to pass the Central American Free Trade Agreement which will, again, be more of the same. We need to stop these kinds of trade agreements. We need to pass unemployment compensation. We need to pass bipartisan legislation to give incentives to those companies who manufacture in America.

This amendment, while modest in its goals, I believe at least is honest in its goals and honest in deciding what really is manufacturing, what is not manufacturing. It stops the games. This Congress needs to stay in session and pass legislation that really will create jobs.

Mr. Chairman, I yield back the balance of my time and ask support of the amendment.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

I will be brief on this because I do not think this amendment does any damage, and I will not oppose its adoption to our bill.

However, I think it is a mistake to pretend that it accomplishes anything. I know of no serious effort to change the definition of manufacturing that the gentleman from Ohio (Mr. BROWN) wants to make sure that we do not. But I do think it is important to address some of the other things that he mentioned.

For example, if we look at the fast food sector, typically, most of us see the counter. And maybe we get a glimpse into the kitchen behind it. Maybe, sometimes, we are there when a

large semi truck pulls up to deliver some of the product that is involved in there. But there is a lot more that we do not see.

For example, let me tell you about Lopez Foods, a minority-owned business in Oklahoma City. Lopez Foods is one of the principal suppliers to McDonald's. It is a part of the fast food industry, but we do not see it when we are in the restaurant. If one visits their facility, one will see that it is a large, modern, clean facility, and it is filled with high-tech. You would not believe the kind of computer systems and mechanical systems that are necessary for the quality control to make sure the ingredients are in the same universal proportion for the product that is going to be shipped to McDonald's all over the country.

We do not see that in the fast food sector. It is a very different image from that of the smiling, young person or perhaps senior citizen that may be waiting on you on the other side of the counter. We need to understand that every sector, fast food included, has a supply chain. It has a logistics chain that is a part of that industry the same as the person who waits on you is a part of it. We need to understand that and realize that there are a lot of contributions to the economy of the United States of America that come from the restaurants that are sometimes demeaned with the term fast food, but it should not be considered a term of lightness at all.

So we will not oppose the amendment, but I certainly do oppose some of the characterizations that we heard earlier on it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas (Ms. JACKSON-LEE) for purposes of a colloquy with the chairman and myself.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding to me. I thank the chairman and Ranking Member OLVER. I thank my colleagues for the opportunity to discuss the issue of rail security in the context of H.R. 5025 and the urgent need for the House to work for new measures to be introduced by the conferees to address this issue.

While the committee members have made provisions in the Federal Transit Administration's Transit Planning and Research Account for initiatives like rural transportation assistance, metropolitan planning, and State planning, there is no specific outlay made for increasing rail security. I understand that the leading subcommittee of jurisdiction on this issue has been placed in the hands of the Subcommittee on Homeland Security of the Committee

on Appropriations. However, I am sure that my colleagues will agree that the urgency of this matter should at least warrant some level of attention in conference for this bill.

Might I just finish by saying additionally, I sit on the Select Committee on Homeland Security, the authorizing committee, and am well aware of the jurisdictional combining that we have. I in no way am attempting to negate that structure. I think it is very, very important. However, I also think it is important for the Subcommittee on Transportation, Treasury, and Independent Agencies to coalesce and allude to this very important issue.

Mr. OLVER. Mr. Chairman, reclaiming my time, in response to those comments, I would address the chairman, that I agree that it is appropriate for the conferees on the Subcommittee on Transportation, Treasury, and Independent Agencies to be concerned about security, security for rail operations, which operate actually under the jurisdiction of our subcommittee, but as to the security on them, the primary jurisdiction does fall within the Subcommittee on Homeland Security of the Committee on Appropriations.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield, let me just cite why I think this is important. Again, I want to always qualify that we are not here on the floor taking away jurisdiction; we are adding a collaborative aspect because of the importance of rail security.

On March 11, 2004, an al Qaeda bombing of commuter trains in Madrid, Spain, killed nearly 200 people and wounded more than 1,500. A minor fire incident in a Washington, D.C., subway system recently gave us a glimpse of the potential for disruption to our public transit system. Failure to invest in the security of passenger rail and public transit could leave these critical systems vulnerable to terrorist attack.

Millions of Americans rely on mass transit systems on a daily basis. Making these systems as safe as they can be from terrorist attacks must be a high priority whenever appropriations are made for transportation-related matters as well as for the Department of Homeland Security. It is, I think, an issue both of the Subcommittee on Homeland Security of the Committee on Appropriations but also some collaborative efforts with the Subcommittee on Transportation, Treasury, and Independent Agencies.

Let us be reminded that, in our own Nation, these rail systems run through our neighborhoods, our rural communities, near our schools, our churches, our homes. They are a part of our neighborhood, and it is an important question.

Mr. OLVER. Mr. Chairman, reclaiming my time, I, again, agree with the urgency of the issue that has come up in terrorism, and I think it does appropriately ask for collaboration. I think is the word that the gentlewoman has used, collaboration with the other com-

mittee, and I hope that the gentleman from Oklahoma (Mr. ISTOOK), within that context, that the gentleman and I might be able to work together as this subcommittee goes to conference since, probably, the Subcommittee on Homeland Security will be part of the same overall omnibus conference in that process and to make certain that rail somehow is not left out and that the security on rail is to our liking as well.

Mr. ISTOOK. Mr. Chairman, if the gentleman will yield, as the gentleman is well aware and the gentlewoman is also, of course, the Department of Transportation, which is within the jurisdiction of our subcommittee, no longer has jurisdiction over transportation security issues. That is with the subcommittee that oversees the Department of Homeland Security.

I know that the gentleman from Kentucky (Chairman ROGERS) is diligently reviewing this issue with the Transportation Security Administration and will be attentive to the comments that need to be referred, as the gentleman mentioned, to him.

The gentleman opines that perhaps we might be a part of the same package bill. I do not know that that will be the case, but I do know we will be in communication with the gentleman from Kentucky (Chairman ROGERS).

Mr. GONZALEZ. Mr. Chairman, I would like to bring the House's attention to the important issue of election reform funding in H.R. 5025, the fiscal year 2005 appropriations bill for the Departments of Transportation and Treasury, and independent agencies.

Late last year, the four members of the U.S. Election Assistance Commission were finally confirmed and able to begin their work to provide election assistance grants and guidelines to the states. Since they assumed office and the Commission began its work in earnest, it has provided over \$1.5 billion to the states to meet the requirements of the Help America Vote Act (HAVA) for the development of innovative election technology, pilot programs to test election technology, and programs to promote youth involvement in elections.

I am very pleased that in the past two years, we in Congress have provided most of the funds promised for implementing the Help America Vote Act. There remains, however, an unpaid balance of \$800 million. I am disappointed that this bill does not pay off that balance. While some may say that the funds we have already appropriated for election reform grants has not been spent, and therefore more funds are not necessary at this time, I would argue that now that we have a functioning EAC, we can expect the pace of grants provided to the states to increase sharply.

I am very encouraged that this bill contains funding needed by the EAC to become fully operational. In particular, I support the bill's appropriation of \$10 million for the EAC's operating expenses and \$5 million for research authorized by HAVA. I hope that these funding provisions will receive wide support from my colleagues and remain intact as this bill works its way through the legislative process.

The EAC is currently understaffed and stretched thin to fulfill its mission. With the funds provided by this bill, the EAC will be able to more quickly provide states with their

election assistance grants, and fulfill other mandates of the Help America Vote Act. These are critical to restoring the trust in our elections that was so greatly damaged by the deficiencies in our electoral system exposed by the 2000 general election. One of the most important functions of the EAC that this bill will fund is the development of voting system guidelines that states are waiting for in order to make important decisions about which voting systems to acquire. These guidelines will be developed in consultation with the National Institute of Standards and Technology and the technical Guidelines Development Committee, and will also result in a national program to test, certify, and decertify voting system.

HAVA created many new requirements in election administration, and many states are looking toward the EAC for guidance on how to implement these requirements, such as provisional voting, voting information requirements, implementation of identification provisions, and implementation of the statewide computerized voter registration databases. With the operating funds included in this bill, the EAC will be able to provide such guidance and states will in turn be able to appropriately spend the election assistance grants they have received so far.

Other important EAC functions that this bill funds are audit and oversight responsibilities to ensure that states are appropriately administering their grants and submitting relevant reports required by HAVA.

Finally, the EAC's research funds included in this bill will be used to study and report on best practices and other matters relevant to the effective administration of federal elections.

In summary, Mr. Chairman, this bill provides the funding necessary to make the Election Assistance Commission an effective tool in helping states restore the public's confidence in our voting process. If we are to remain the world's greatest democracy, we cannot hesitate to make this investment.

Mrs. MALONEY. Mr. Chairman, this bill funds many good projects and will be a welcome relief to many communities. Unfortunately, the current version is woefully deficient because it provides no funding whatsoever for a project that is one of the best in the Nation—the Second Avenue Subway. The Second Avenue Subway is recommended by the Federal Transit Administration and was included in President Bush's FY2005 budget.

On day one, the Second Avenue Subway will move more people than any other project currently planned anywhere in the country. It will (i) relieve overcrowding on the most overcrowded subway in the nation, (ii) add capacity to a subway system that has not added capacity in 60 years and (iii) reach areas of New York City that currently are not served by any subway system. A report released by the Regional Plan Association December 2003 shows that Second Avenue Subway can create 156,000 jobs, boost business creation and retention, improve air quality, save travel time and create alternative routes to the city's business centers—something 9/11 proved is essential to New York's security.

There is already a strong market for mass transit in New York. Because 70–75 percent of all the people commuting to jobs along the route of the subway use mass transit to get to work, the highest proportion of mass transit use anywhere in the United States. There are

1.2 million jobs and nearly 650,000 residents along the proposed route of the Second Avenue Subway.

This project is moving ahead in a timely fashion. It received a record of decision from the FTA in July and is expected to go into Final Design and Engineering shortly.

The Second Avenue Subway, a sure mass transit success, should be among the earmarks included in this appropriation bill. The Second Avenue Subway was funded in the last four appropriations bills and, thanks to the efforts of Senators SCHUMER and CLINTON, is included in the Senate bill. I hope that the conferees will accept the Senate language and that the Second Avenue Subway will receive funding in the final bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by Mr. HEFLEY of Colorado and an amendment offered by Mr. MORAN of Virginia.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 15-minute vote followed by a second 5-minute vote.

The vote was taken by electronic device, and there were—ayes 69, noes 333, not voting 31, as follows:

[Roll No. 455]

AYES—69

Akin	Franks (AZ)	Pence
Barrett (SC)	Gibbons	Petri
Bartlett (MD)	Graves	Pitts
Barton (TX)	Gutknecht	Ramstad
Bass	Hayworth	Reynolds
Beauprez	Hefley	Rogers (MI)
Blackburn	Herger	Rohrabacher
Brady (TX)	Hoekstra	Royce
Burton (IN)	Hostettler	Ryan (WI)
Buyer	Isakson	Sensenbrenner
Chabot	Jenkins	Sessions
Chocola	Jones (NC)	Shadegg
Coble	Kaptur	Shimkus
Collins	Keller	Shuster
Cox	King (IA)	Smith (MI)
Davis (TN)	Lewis (KY)	Stearns
Davis, Jo Ann	Linder	Tancredo
Deal (GA)	Mica	Tanner
DeMint	Musgrave	Taylor (NC)
Diaz-Balart, M.	Myrick	Terry
Feeney	Norwood	Toomey
Flake	Otter	Wamp
Fossella	Paul	Wilson (SC)

NOES—333

Abercrombie	Allen	Baca
Aderholt	Andrews	Baird

Baldwin	Gonzalez	Meeks (NY)
Becerra	Goode	Menendez
Bell	Goodlatte	Michaud
Berman	Gordon	Millender-
Berry	Goss	McDonald
Biggert	Granger	Miller (MI)
Bilirakis	Green (TX)	Miller (NC)
Bishop (GA)	Green (WI)	Miller, Gary
Bishop (NY)	Greenwood	Miller, George
Bishop (UT)	Grijalva	Mollohan
Blumenauer	Gutierrez	Moore
Blunt	Hall	Moran (KS)
Boehner	Harman	Moran (VA)
Bonilla	Harris	Murphy
Bono	Hart	Murtha
Boozman	Hastings (FL)	Nadler
Boswell	Hastings (WA)	Napolitano
Boucher	Hayes	Neal (MA)
Boyd	Hersteth	Neugebauer
Bradley (NH)	Hill	Ney
Brady (PA)	Hinchey	Northup
Brown (OH)	Hinojosa	Nussle
Brown (SC)	Hobson	Oberstar
Brown, Corrine	Hoeffel	Olver
Brown-Waite,	Holden	Ortiz
Ginny	Holt	Osborne
Burgess	Honda	Ose
Burns	Hooley (OR)	Owens
Burr	Houghton	Oxley
Butterfield	Hoyer	Pallone
Calvert	Hulshof	Pascarell
Camp	Hunter	Pastor
Cantor	Hyde	Payne
Capito	Inslee	Pearce
Capps	Israel	Pelosi
Capuano	Issa	Peterson (MN)
Cardin	Istook	Peterson (PA)
Cardoza	Jackson (IL)	Pickering
Carson (IN)	Jackson-Lee	Platts
Carson (OK)	(TX)	Pombo
Carter	Jefferson	Pomeroy
Case	Johnson (CT)	Porter
Castle	Johnson (IL)	Portman
Chandler	Johnson, Sam	Price (NC)
Clay	Jones (OH)	Pryce (OH)
Clyburn	Kanjorski	Putnam
Cole	Kelly	Quinn
Cooper	Kennedy (MN)	Radanovich
Costello	Kennedy (RI)	Rahall
Cramer	Kildee	Rangel
Crane	Kilpatrick	Regula
Crenshaw	Kind	Rehberg
Cubin	King (NY)	Renzi
Culberson	Kingston	Reyes
Cummings	Kirk	Rodriguez
Cunningham	Klecza	Rogers (AL)
Davis (AL)	Kline	Rogers (KY)
Davis (CA)	Knollenberg	Ros-Lehtinen
Davis (FL)	Kolbe	Ross
Davis (IL)	Kucinich	Rothman
Davis, Tom	LaHood	Roybal-Allard
DeFazio	Lampson	Ruppersberger
DeGette	Lantos	Rush
Delahunt	Larsen (WA)	Ryan (OH)
DeLauro	Larson (CT)	Ryun (KS)
DeLay	Latham	Sabo
Deutsch	LaTourette	Sanchez, Linda
Diaz-Balart, L.	Leach	T.
Dicks	Lee	Sanchez, Loretta
Dingell	Levin	Sanders
Doggett	Lewis (CA)	Sandlin
Dooley (CA)	Lewis (GA)	Saxton
Doolittle	Lipinski	Schakowsky
Doyle	LoBiondo	Schiff
Dreier	Lofgren	Scott (GA)
Dunn	Lowe	Scott (VA)
Edwards	Lucas (KY)	Shaw
Ehlers	Lucas (OK)	Shays
Emanuel	Lynch	Sherman
Emerson	Majette	Sherwood
English	Maloney	Simmons
Eshoo	Manzullo	Simpson
Etheridge	Markey	Skelton
Evans	Marshall	Smith (NJ)
Farr	Matheson	Smith (TX)
Fattah	Matsui	Smith (WA)
Ferguson	McCarthy (MO)	Snyder
Finler	McCarthy (NY)	Solis
Foley	McCollum	Souder
Forbes	McCotter	Spratt
Ford	McCrery	Stark
Frank (MA)	McDermott	Stenholm
Frelinghuysen	McGovern	Strickland
Frost	McHugh	Stupak
Gephardt	McIntyre	Sullivan
Gerlach	McKeon	Sweeney
Gilchrest	McNulty	Tauscher
Gillmor	Meehan	Thomas
Gingrey	Meek (FL)	Thompson (CA)

Thompson (MS)	Velázquez	Weller
Thornberry	Visclosky	Wexler
Tiahrt	Vitter	Whitfield
Tiberi	Walden (OR)	Wicker
Tierney	Walsh	Wolf
Towns	Waters	Woolsey
Turner (OH)	Watson	Wu
Turner (TX)	Watt	Wynn
Udall (CO)	Waxman	Young (AK)
Udall (NM)	Weiner	Young (FL)
Upton	Weldon (FL)	
Van Hollen	Weldon (PA)	

NOT VOTING—31

Ackerman	Duncan	Nethercutt
Alexander	Engel	Nunes
Bachus	Everett	Obey
Baker	Gallegly	Schrock
Ballenger	Garrett (NJ)	Serrano
Berkley	Hensarling	Slaughter
Boehlert	John	Tauzin
Bonner	Johnson, E. B.	Taylor (MS)
Cannon	Langevin	Wilson (NM)
Conyers	McInnis	
Crowley	Miller (FL)	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATOURETTE) (during the vote). There are 2 minutes remaining in this vote.

□ 1238

Ms. LINDA T. SÁNCHEZ of California, Messrs. SMITH of Washington, PUTNAM, SHERWOOD, DICKS, RANGEL, Mrs. EMERSON, and Ms. HARRIS changed their vote from “aye” to “no.”

Mr. GUTKNECHT and Mr. TAYLOR of North Carolina changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. WILSON of New Mexico. Mr. Chairman, on rollcall No. 455 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 223, not voting 29, as follows:

[Roll No. 456]

AYES—181

Abercrombie	Blumenauer	Carson (OK)
Allen	Boswell	Chandler
Andrews	Boucher	Clay
Baca	Brady (PA)	Clyburn
Baird	Brown (OH)	Costello
Baldwin	Brown, Corrine	Cummings
Becerra	Butterfield	Davis (AL)
Bell	Capps	Davis (CA)
Berman	Capuano	Davis (FL)
Berry	Cardin	Davis (IL)
Bishop (NY)	Carson (IN)	Davis (TN)

Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herse
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind

Klecza
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markay
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel

Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabó
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocoma
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Feeney
Ferguson
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McKeon
Mica
Miller (MI)
Miller, Gary

Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam

Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)

Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—29

Ackerman
Alexander
Baker
Ballenger
Berkley
Boehlert
Bonner
Cannon
Conyers
Crowley

Deal (GA)
Dunn
Engel
Everett
Gallegly
Hensarling
John
Johnson, E. B.
Kennedy (RI)
Langevin

McInnis
Miller (FL)
Nethercutt
Obey
Schrock
Serrano
Slaughter
Tauzin
Taylor (MS)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1253

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Chairman, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on rollcall vote No. 454 on agreeing to the Kelly amendment to H.R. 5025; "yea" on rollcall vote No. 453 on agreeing to the DeLauro amendment to H.R. 5025; "nay" on rollcall vote No. 455 on agreeing to the Hefley amendment to H.R. 5025; "nay" on rollcall vote No. 456 on agreeing to the Moran amendment to H.R. 5025.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for rollcall votes 452, 453, 454, 455, and 456. Had I been present, I would have voted "aye" on rollcall votes 452, 453, 454, and 456. I would have voted "nay" on rollcall vote 455.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on Tuesday, September 14, 2004, I was granted an official leave of absence as a result of my illness. Therefore, I was unable to make rollcall votes 455 to 456. I ask unanimous consent that my statement appear in the RECORD that had I been here, I would have voted "no" for rollcall No. 455, the Hefley Amendment; "yes" for rollcall No. 456, the Moran Amendment.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

KLING) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5025, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDING LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5025, DEPARTMENTS OF TRANSPORTATION AND TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS ACT

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that the order of the House of yesterday regarding further consideration of H.R. 5025 in the Committee of the Whole be amended to strike any provision for the amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the distinguished minority whip the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, next week the House will convene on Tuesday at 12:30 for morning hour debates and 2 p.m. for legislative business. We will consider several matters under the suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes we have on Tuesday will be after 6:30 p.m. We also expect to complete consideration of H.R. 5025, the Transportation-Treasury appropriations bill, on Tuesday afternoon.

In addition, next week we expect to consider H.R. 2028, the Pledge Protection Act; and finally, as we approach

the end of this Congress, it is important to take note that we have a number of conference reports that we are working through. Members should expect votes on those at any time.

Mr. HOYER. Mr. Speaker, I thank the gentleman for those comments.

Apparently we are going to do some suspension bills on Tuesday, and then we will go back to the Transportation-Treasury appropriation bill?

Mr. BLUNT. Yes, that is the schedule at this time.

Mr. HOYER. Mr. Speaker, my question is in light of the fact that general debate and most of the bill has been objected to or much it has been objected to, there are still pending amendments. At what time do we need to advise Members who have amendments that are pending that they must be here? Obviously we are starting at 2. There are suspension bills, but can we give them some perhaps target time that they should be here to protect themselves in the offering of those amendments?

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman's question, and I would say while we do have some suspension bills scheduled, sometimes they can go quicker than at other times. I know Members with amendments would not want to see an opportunity to offer those amendments pass by. If I had an amendment, I would be here not much after 2. I know at one time today the chairman had to ask Members to come to the floor because the bill had moved much quicker than expected.

Mr. HOYER. Mr. Speaker, I will so advise Members.

Mr. Whip, you indicated some of the legislation we are going to consider, and you did not specifically mention Friday. Can the gentleman advise us at this time what the intention is for Friday of next week?

Mr. BLUNT. At this point we are still scheduled to work on Friday because of the number of conference committee reports that are out there that we hope to see come to some conclusion, maybe some next week, and we would be working Friday. If that does not appear to be the case, we will try to give as much notice as possible and Friday would be a day that will be dependent on some of the conference committees coming to a conclusion.

Mr. HOYER. Mr. Speaker, assuming on Tuesday or Wednesday we pass the Transportation-Treasury bill, that will leave only the VA-HUD bill pending from the Committee on Appropriations from the House perspective. Can the gentleman advise us whether or not the VA-HUD bill may be coming to the floor next week? It was not mentioned for next week, but the week following?

Mr. BLUNT. We are still working through that and at this point the leader has not scheduled that bill for the floor.

Mr. HOYER. Are you pretty confident it will not be on the floor next week?

Mr. BLUNT. I think it is unlikely that bill would be ready for the floor by next week, but we are still working on it, and hope to get it and the rest of the appropriations work done.

Mr. HOYER. Mr. Whip, we are approximately 15 days from the end of the fiscal year. The only appropriation bill signed by the President is the defense bill, leaving 12 appropriation bills still pending. Presumably we are either going to do something that would be extraordinary, passing those bills within the time frame left to us, which I guess is 6 or 7 legislative days at most, or passing some type of CR or omnibus. Can the gentleman advise the House as to what the leadership's current thinking is on how we are going to proceed as we approach the end of the fiscal year on September 30?

Mr. BLUNT. Mr. Speaker, I would say at this point we do not expect to consider a CR next week. We would very much like to get our work done during the time between now and the time we take a break. Before we go to a CR, which we obviously have to deal with some time in that 15-day period, we would like to have a clearer picture of exactly where the process is. We are continuing to do everything we can to encourage that process to reach conclusion in every possible area and perhaps even in all possible areas, but we would like a little clearer picture than what we will have next week before we deal with a CR.

Mr. HOYER. Mr. Speaker, may I inquire of the gentleman, if a CR is needed and the appropriation bill does not move forward or some omnibus does not move forward, can the leadership inform us as to how long a period of time they may be contemplating a CR would cover?

Mr. BLUNT. Mr. Speaker, again, I think we need to wait and see where the process is, how close it is to completion before we decide what period of time to recommend that CR would go. We are working hard to complete the entire process in the shortest possible time.

□ 1300

Mr. HOYER. Reclaiming my time, we are all enthusiastic about that objective. We are now 9½ months into pursuing that objective and it has not happened yet, but perhaps it will.

But let me ask the gentleman more pointedly, I suppose, as it relates to the length of the CR, it is my understanding that there was some expression from the highest junctures of leadership in his party that a lame duck session was not particularly favored by the leadership but we hear rumors about possibly having a lame duck, that possibly being sometime in mid-November when his organization and probably ours will be scheduled. Can the gentleman shed any light on his current thinking, in light of the fact we have 15 days left to go in the fiscal year and about, I suppose, another 20 or 25 days left before we presumably will

recess or adjourn prior to the elections, as to whether or not there is a substantial probability or possibility of a lame duck session?

Mr. BLUNT. Mr. Speaker, I think it would be fair to say that in our discussions we are doing everything we can to get our work done before we take the break for the elections. It is certainly possible we might have to come back, and I believe the time the gentleman suggested for our reorganization is the time that we are intending to schedule that. If there is anything that has to be done, it would clearly be the best thing to do if we are in agreement on the time to come back, to do all those things or start all those things at least at one time. But we have been very focused across the board this week in trying to get to that goal of having this year's work done by the time we leave here sometime in October.

Mr. HOYER. A couple of other questions, if I might, Mr. Speaker.

The transportation bill is one of those conferences that the gentleman referred to that is pending that possibly will come back. If it does not come back next week, does the gentleman contemplate having an additional extension? The present extension, as the gentleman knows, expires very shortly in terms of the continuation of the previous authorization of the highway bill. Does the gentleman contemplate having another extension? And, if so, has there been discussion about how long a period of time that might be for?

Mr. BLUNT. Mr. Speaker, we are again hopeful and working hard to get the transportation bill completed. We think it is better to work toward that completion right now than to extend the deadline. The pressure of the deadline may help in that process. It certainly does not work against the process of getting the bill. I believe both our chairman on this side of the building and the ranking member are working hard, working together, as others are, and we will not be addressing the question of extension until we move a little further along and hopefully are able to bring not an extension to the floor but an agreed-to transportation bill.

Mr. HOYER. Reclaiming my time, I appreciate that objective and I want to tell the whip, as I have, I think privately, that this side of the aisle will be very supportive of, I think, any figure that the majority can agree among itself, the White House, the Senate and the House, between the House-passed bill which passed overwhelmingly in a bipartisan fashion and in fact, of course, as the gentleman knows, Democrats, Chairman YOUNG and all of the Republican members and Democratic members of the Committee on Transportation and Infrastructure believe we ought to have a substantially higher number to meet the needs of the Nation than was passed here or passed in the Senate. My representation to the

gentleman from Missouri would be that I think that the votes will be there on our side for, I hear a figure of very close to \$300 billion being mentioned. I think on this side of the aisle in talking to the gentleman from Minnesota (Mr. OBERSTAR), we will be obviously substantially influenced by what the gentleman from Minnesota recommends as our ranking member but we would be very, I think, supportive and we could forge a significant majority to send that bill down to the President and have the President consider it.

As the gentleman knows, every \$1 billion that we have in that bill creates 42,000 jobs here in America. We believe that bill is very important. We would have hoped it would have passed last year, but I want to tell my friend that he and I have the similar responsibilities of trying to count votes and I think we will have the overwhelming majority of our people for a bill. If we just split the difference between the Senate and the House, which is essentially what is being talked about, I think we would support it on this side of the aisle. I hope the gentleman's Members would support it on his side of the aisle, we send it to the President and obviously the executive, a coequal but separate branch of government, would have to make its determination as to what it wanted to do. I do not know if that is a possibility but I think we could work together in a bipartisan fashion to get that done.

I yield to my friend if he wants to make a comment.

Mr. BLUNT. I thank my friend for yielding, and I share the gentleman's sense that an overwhelming number of Members of the House would like to get this work done, get this bill done this year. Of course this would not be the place for the gentleman and I to try to negotiate a number, but I think the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) are both working hard to achieve a result that gets that work going and allows the States and others affected by this to begin the contracting process and even begin some of the work. I am very hopeful at this point that we will get that number agreed to, get our friends on the other side of this building moving forward with us and get agreement from the White House as they need to ultimately sign whatever bill we pass.

Mr. HOYER. Reclaiming my time, I think the gentleman has put his finger on the impasse, and that is the White House. I think frankly the Congress can reach agreement on this and I think we ought to. I urge the majority reaching consensus in the Congress and, as a separate and coequal branch of government, sending our judgment down to the White House. Obviously the White House then has its full prerogatives to exercise its judgment. But we have waited far too long on that, I believe.

The last question or the last inquiry I would make of the whip is there has

been a lot of talk, of course, about the middle-class tax cuts. I think both sides of the aisle feel very strongly that we want to make sure the middle-class tax cuts continue. In particular, we have focused on the child tax credit, as the gentleman knows. There has been a lot of discussion back and forth. That has been held up for a very long period of time, particularly extension to those families making up to \$26,000. There are some 200,000 service families, as the gentleman knows, that are not qualifying for the child tax credit at this point in time.

Can the gentleman tell us whether or not he has any optimism about that conference report coming back to us anytime soon?

Mr. BLUNT. Mr. Speaker, I would say in response to that previous comment that I am not sure that our friends on the other side of this building are as united yet as perhaps our Members are who represent the House side on the transportation number. We want to move forward there.

Chairman THOMAS tells me that he sees good work happening on the family tax package that the gentleman mentioned, the marriage penalty relief, the \$1,000 child credit, the 10 percent tax bracket, that new tax bracket we put in place. We think it is very likely that we could have that extension on the floor next week.

Mr. HOYER. I thank the gentleman for that information.

ADJOURNMENT TO FRIDAY, SEPTEMBER 17, 2004, AND ADJOURNMENT FROM FRIDAY, SEPTEMBER 17, 2004 TO TUESDAY, SEPTEMBER 21, 2004

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, September 17, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 21, for morning hour debates.

The SPEAKER pro tempore (Mr. KLINE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 23, 2004, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY AYAD ALLAWI, INTERIM PRIME MINISTER OF THE REPUBLIC OF IRAQ

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, September 23, 2004, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Ayad Allawi, Interim Prime Minister of the Republic of Iraq.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOOR OF MEETING ON THURSDAY, SEPTEMBER 23, 2004

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 22, 2004, it adjourn to meet at 9 a.m. on Thursday, September 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONGRESS BESTS LOBBYISTS ONCE AGAIN IN CHARITY BASKETBALL GAME

(Mr. QUINN asked and was given permission to address the House for 1 minute.)

Mr. QUINN. Mr. Speaker, I am here to report to the House and to the general public the results of last evening's sixth annual benefit basketball game between Members of Congress and the lobbying community here in Washington. I am here also to report that the outcome was a 58-41 victory for the Members of Congress.

I would like to mention the players, our bipartisan team of JEFF FLAKE, VITO FOSSELLA, HAROLD FORD, KENNY HULSHOF, DEVIN NUNES, TODD PLATTS, TIM RYAN, JOHN SHIMKUS, and TODD TIAHRT.

In the past 6 years I am also happy to report that the House Members have a 5-1 record after last night's game, but to report after 6 years that the game has raised over \$150,000 for charities here in Washington, D.C., particularly the Hortons Kids charity that services inner city young children.

Special thanks also, Mr. Speaker, to Mr. Paul Miller and others at the American League of Lobbyists, who worked tirelessly during the year to put the game together. As we go forward in the next year, hopefully we can do bigger and better things.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on any motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXPRESSING THANKS OF THE HOUSE TO AMERICAN POW/MIAS ON NATIONAL POW/MIA RECOGNITION DAY

Mr. SIMMONS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 771) expressing the thanks of the House of Representatives and the Nation for the contributions to freedom made by American POW/MIAs on National POW/MIA Recognition Day.

The Clerk read as follows:

H. RES. 771

Whereas from World War II to the present, more than 88,000 members of the United States Armed Forces remain unaccounted for;

Whereas nearly 50,000 former American prisoners of war are currently living in the United States;

Whereas the United States owes a significant debt of gratitude for the sacrifice and hardships endured by former prisoners of war and missing personnel;

Whereas former prisoners of war continue to serve and inspire our nation;

Whereas National POW/MIA Recognition Day is one of the six days specified by law as days on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, post offices, and military installations; and

Whereas tens of thousands of American families have loved ones who are still listed as unaccounted for and daily endure tremendous hardship and emotional suffering: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by law (pursuant to section 902 of title 36, United States Code) as a day on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) extends the gratitude of the House of Representatives and the Nation to those who have served their nation in captivity to hostile forces as prisoners of war;

(3) recognizes and honors the more than 88,000 members of the United States Armed Forces who remain unaccounted for and their families;

(4) recognizes the untiring efforts of national POW/MIA organizations to ensuring that America never forgets the contribution of the Nation's prisoners of war and unaccounted for military personnel; and

(5) calls on all Americans to recognize National POW/MIA Recognition Day with appropriate remembrances, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 771, a resolution that recognizes the sacrifices made by prisoners of war and missing in action on National POW/MIA Recognition Day. The resolution is very straightforward and my colleague from Georgia (Mr. COLLINS) and I are seeking to give proper acknowledgment to National POW/MIA Recognition Day.

Today, nearly 50,000 former American prisoners of war are living in the United States. These are family members, these are friends and neighbors, men and women who fought for our freedom and often suffered tremendous hardship during their detention. Today, we send a message from this Capitol that their contribution to the great story of America's freedom is not forgotten.

Since World War II, more than 88,000 members of the Armed Forces remain unaccounted for. Today we offer our sympathies to the families of these soldiers, sailors, airmen and women and Marines missing in action. Their family members are our family members, they are our friends and our neighbors, and they wait patiently for their loved ones to be recovered and returned home for a proper burial. It is hard for those of us who have not suffered or endured this type of hardship to imagine how these families deal with their grief. Again today, we pause to say that on behalf of the Congress and the American people, thank you. Thank you very much.

This legislation also recognizes that National POW/MIA Recognition Day is one of the six days specified by law on which the POW/MIA flag is to be flown over specified Federal facilities and national cemeteries. Flying this flag is a visible reminder of the sacrifices of our POWs and MIAs.

As many of my colleagues know, the recovery of MIAs has long been a passion of mine. In April of last year, I left the U.S. for Vietnam in the hopes of finding the remains of American soldiers still missing after nearly 30 years in the Vietnam War. Specifically, my hope was to recover the remains of Captain Arnold Holm of Waterford, Connecticut, whose helicopter was shot down over Vietnam in 1972. I met his widow several years ago and learned that for 30 years she had not had a funeral ceremony or a memorial service because she held out the hope that her husband's remains would be found and that he would be brought back home to Waterford, Connecticut.

□ 1315

This trip was the first time that I had been back to Vietnam in almost 30

years, having served there in the U.S. Army in the 1960s and in the CIA in the 1970s.

I spent 2 days with American and Vietnamese officers, with the joint POW/MIA Accounting Command in the jungles near Hue, Vietnam. We recovered watches, boots, and other assorted items. But we were unable to recover the crash site or the remains of Captain Holm. This was an emotional mission for me, for my family, for the family of Captain Holm, and for his friends. And this mission continues. We will continue to search for the remains of our missing.

Several families in Connecticut have been blessed with the recovery of the remains of their loved ones, and this would include Robert Bush of Hamden; Legrande Cole of Danbury; Crosley Fitton of Hartford; Irwin Lerner of Stratford; Richard Rich of Stamford; John Brooks Sherman of Darien; Larry Thorne of Norwalk; and from my own district, Peter McArthur Cleary of Colchester, Connecticut, whose remains were identified February of 2002.

Every day that the POW/MIA flag flies over the Rotunda of this Capitol it is an important reminder to Members, staff, and visitors of the sacrifice made by American prisoners of war and the missing in action. However, on this important day, that flag also flies over the dome of our Capitol, an important reminder to the world that today we pause to commemorate National POW/MIA Recognition Day.

Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 771 and commend the gentleman from Connecticut (Mr. SIMMONS) for presenting this bill to the House today.

The intent of this legislation, the intent of the country, is to honor the 50,000 former POWs and the 88,000 still missing in action, U.S. service people that have served this country so well and so honorably.

Yesterday was National POW/MIA Recognition Day, in which once a year we formally remember these very important people. It is such a tremendous honor to serve in the Congress and to represent Arkansas, but one of the great honors is the opportunity to meet such wonderful and great people. A person I recently met from Saline County, Bill McGinley, is the only person I had ever met who was presented the Purple Heart posthumously, and I got to talk to him about that experience.

How does that happen? On January 29, 1944, he was in a bomber and was flying over Belgium. In fact, the actor Jimmy Stewart was the squadron commander. Their plane was shot up. He and another man had to bail out, and he spent the next 9 months hiding out, helped by a family in Belgium that hid him. His family was first notified that he was missing, and he has this wonderful scrapbook that he shows me, the

newspaper articles and the letters; and it goes through the progression of the notification from the War Department that he was missing and then the letter from his Congressman that they were sad to report that he was missing. And finally came the notice that he was presumed dead, and then the letter from the Member of Congress expressing great sorrow that he was presumed dead. And at some point his family was presented with a Purple Heart. And, of course, this story ended happily because 9 months later he was found by allied troops and his family was notified that he was alive and well.

Not all of these stories end happily. And like the gentleman from Connecticut (Mr. SIMMONS), it was my honor in November of 2000 to go back to Vietnam and to spend time with two sons, Dan and David Evert. Their father was Captain Lawrence Evert, and he was shot down in 1967 in an F-105 and was presumed dead. There was really not much doubt about the possibility of his being alive since people had seen a fireball when his plane went down. But these two young boys, now grown men, told a story of how, when they were youngsters, they would wear the bracelet in honor of their dad, and they would tell stories of how they dreamed of growing up and getting big enough that they could go to North Vietnam and rescue their dad.

It was very moving to be out at the site of the excavation of this plane where remains were discovered, and with the two sons. President Clinton was there. It was a very formal and sobering ceremony. The two sons had gone there the day before by themselves, and they had a little ceremony where they buried somewhere on the site the bracelet that they wore in honor of their dad for all those many years.

And, of course, we remember our POWs and the tremendous suffering that many of them went through, the uncertainty that their families thought and knew about what was going on in their life, and the legacy that they still carry with them today of being separated from not only their family but from their country for so long a time.

And, finally, Mr. Speaker, we remember today all of our troops, all of our men and women serving in uniform; and we particularly remember the 150,000 serving in Iraq and Afghanistan that know that they are always at risk of becoming missing or a POW and who work so hard at doing right by their country, serving their country honorably and carrying out the foreign policy of this country so well.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. COLLINS), fellow co-sponsor of this legislation.

Mr. COLLINS. Mr. Speaker, I thank the gentleman from Connecticut (Mr. SIMMONS) for introducing this resolu-

tion and helping to work it through the channels to make sure that we could get it to the floor today.

H.R. 771 pays recognition and says thanks and gratitude to the prisoners of war and to the families of the missing in action who have contributed quite a bit, many paid the ultimate price, so that we could enjoy the freedoms that we enjoy today. I would like to also pay tribute to the National League of Families, those who have insisted and worked and tried to bring to a closure missing in action from Vietnam and to discover all of the information that possibly could be found and also help with our missing in action from other wars.

Under the leadership of the president of the National League of Families is Jo Anne Shirley from Dalton, Georgia; the executive director in Washington, Ms. Ann Griffith. I have visited with them a number of times, and they never quit. They do not know when the end of the day comes because they are constantly working, trying to find and discover remains of our missing in action, particularly those from Vietnam.

One has to look no further than right here in this Chamber at one of our colleagues to see what it cost many to be prisoners of war. The gentleman from Texas (Mr. SAM JOHNSON), shake his hand and one will see some of the results of brutality that he went through as a prisoner of war in Vietnam for 6½ years. Watch him as he walks, his back, as he was injured in the ejection from his aircraft after being shot down over Hanoi and went without medical service for months and months. One of thousands of people like the gentleman from Texas (Mr. SAM JOHNSON) who has suffered at the hands of the enemy, his captors.

I recommend that my colleagues get the gentleman's book and read it, "Captive Warriors." It will give them a lot of information and insight from someone who has been there and served as a POW. And his wife and the wives of many of our POWs who insisted that contact be made while they were captive, insisted that our government continue to search and to try to reach out to find out more information on our POWs.

And I go back to the family members of the National League of Families who insist today that the Vietnamese Government extend more information and extend a helping hand. Oftentimes that helping hand has not come forth. In my opinion, they have been very lax. They have not done the things that they could have done in Vietnam. I have made trips there myself, seeking information, only to be disappointed in the results that we received while we were there, the lack of information that we received while there. But, hopefully, the rewards from those trips will come at a later date.

We still have some 1,850-plus who are missing in action from Vietnam, Cambodia and Laos. We do have a U.S./Russian Commission that was established

to help to try to find and discover more information about the remains of those from the Vietnam War. Hopefully, that commission will be able to make some good reports back, and, again, that comes at the dedication of the National League of Families.

But there were other wars. Thousands are still missing from World War II, Korea. I remember as a young boy growing up in rural Georgia, an aunt of mine who talked about her brother who served in Korea, missing in action, never heard from him to this day. He has never been heard from or any remains or any information given on her brother.

May we never forget, Mr. Speaker, may we never forget the service, the dedication, the patriotism of those who served and those who have been captured and the families of those who have been missing; and may we always extend all efforts to find those and never leave one behind, to see that they are returned to this soil, to their families.

Yes, we owe a lot to our service personnel throughout the history of this country. We owe a lot to our POWs and our MIAs. God be with their souls and may God continue to bless the United States of America for patriots like those who have served as POWs and those who are missing in action.

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EVANS).

(Mr. EVANS asked and was given permission to revise and extend his remarks.)

Mr. EVANS. Mr. Speaker, I rise in support of H. Res. 771, legislation recognizing the contributions toward our freedoms by our POWs, and I am proud to co-sponsor the resolution which has been introduced by the good Member from Connecticut. I praise his efforts on this issue and many others.

I have served on the House Committee on Veterans' Affairs for almost the last 22 years. It has given me an opportunity to meet a lot of our country's heroes. I have always had the utmost respect for our POWs and our MIAs for their sacrifices, and their sacrifices leaves us all silenced in their respect.

I would also like to recognize the government of Vietnam, which has provided the recovery of our service members' remains. Our growing relationship with Vietnam has been conditional on their cooperation and support in the recovery of our fallen servicemembers. Deputy Under Secretary Jerry Jennings who leads the American efforts has praised the cooperation and the openness by the government of Vietnam that has ensured the repatriation of nearly 800 remains of our missing servicemembers. It has been an important task that provides a great deal for the members of the service and their families, which will continue until every fallen soldier is brought back home.

I urge my colleagues to support this resolution.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate once again the gentleman from Connecticut (Mr. SIMMONS) presenting this House resolution to the Congress, to the floor; and I support it and urge all Members to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would simply like to echo the comments of the gentleman from Georgia (Mr. COLLINS) in thanking the National League of Families for their work and for their faith in the fact that we will be able to locate the remains of their loved ones, wherever they may be around the world.

Specifically talking about Vietnam, I would also like to share with my colleagues that these recovery efforts that are ongoing jointly between officials of the United States of America and the Vietnamese Government are not safe. They are difficult projects to conduct.

□ 1330

In April of 2001, a helicopter that was carrying officials from both companies crashed, killing seven Americans and seven Vietnamese. But I think that we can gather hope from the fact that this joint effort between our two countries is going forward. And for whatever wounds remain from that war, they will be bound up and healed by this humanitarian effort to locate the remains and recover the remains of both Americans and Vietnamese missing in action.

Again, in conclusion, on behalf of this Congress, I thank all of those men and women who have offered their lives in defense of the freedom and democracy that we enjoy, and in particular, for those families who have loved ones as yet unrecovered, we thank them for their service, their sacrifice, and their suffering.

Mr. REYES. Mr. Speaker, I rise today in strong support of H. Res. 771, expressing the thanks of the House of Representatives and the Nation for the contributions to freedom made by American POW/MIAs on National POW/MIA Recognition Day.

Today we honor the sacrifices made by POW/MIAs and remember our brave men and women in uniform whose fate remains unknown. We owe these heroes more than we could ever repay through mere words for what they have done for our country. However, with National POW/MIA Recognition Day and this resolution, we remind all Americans to keep their memory close in our minds and hearts.

Mr. Speaker, as a Vietnam veteran, I have witnessed firsthand the heroism of America's soldiers, sailors, airmen, and marines in combat. May we never forget those who were held as POWs in defense of our country, and those who paid the ultimate price for America and are still missing in action. In their memory, and on behalf of the families of all MIAs, may we also renew and strengthen our dedication to bringing those missing in action home at long last. I proudly fly the POW/MIA flag in both of my congressional offices and I encourage my

colleagues, and all Americans, to do the same.

Again, Mr. Speaker, I strongly urge my colleagues to join me in honoring our Nation's POW/MIA heroes by supporting the passage of this very important legislation.

Mr. CASE. Mr. Speaker, I rise today in support of H. Res. 771.

As we remember our POW and MIAs, I want to share with my colleagues the text of a speech I recently delivered to a conference in Honolulu sponsored by the Asia-Pacific Center for Security Studies and the Defense POW/Missing Personnel Office (DPMO). At this conference were representatives from our own country as well as five countries of Asia, including Burma, Vietnam, Cambodia, Laos and Thailand.

Mr. Speaker, I urge swift passage of this important resolution and continued strong Congressional support for the DPMO.

U.S. POW/MIA ACCOUNTING EFFORTS:
PROCESS AND OPERATIONS, AUGUST 11, 2004

Thank you, Department of Defense Assistant Secretary Jennings, for your very kind introduction.

Thank you also to Dr. Whitley, General Stackpole (who has contributed so much to Hawaii), and General Whitfield, or "Q," the Commander of our Joint Personnel Operating Command, located just down the road.

And please allow me to introduce my wife, Audrey, and my staff assistant, Jackie Conant, both of whose ancestral roots, like so many of Hawaii's people, lie with you in Asia.

But most of all, Mingalar Par, Zdravstvuite, and Chao ong, or Aloha! Welcome to Hawaii, and Mahalo!, or thank you, to each of you for joining us at this vitally important conference this week. Your simple presence tells the people of my country everything about the commitment of your countries and peoples to assisting us all in finding, identifying and repatriating the sailors, soldiers, marines, airmen and civilians of our country currently unaccounted for throughout Asia.

I am Ed CASE and I am a Member of the Congress of the United States. I directly represent 650,000 Americans living in Hawaii's great Second District, which includes all eight of Hawaii's major islands, as well as the Northwestern Hawaiian Islands all the way past Midway Island to Kure Atoll.

Under our system of governance, we have three separate, independent and coequal branches of federal government: our executive branch, headed by our President; our legislative branch, made up of me and my colleagues in congress; and our judicial branch, headed by our Supreme Court. From beyond our shores, it often looks like a pretty messy system, as we argue and disagree in public over what we should do and not do, and as we contest elections for our presidency and for Congress.

Many of our deepest disagreements and our elections have been and are about whether and under what circumstances we should have taken or we should take military action beyond our shores, as was the case with what we refer to as the Korean and Vietnam Wars and as is the case today in Iraq, and I recognize with you tonight as citizens of our world the terrible personal and national tragedies of those and other hostilities and pay homage to the fallen whoever they were. But if I can leave you with one and only one message tonight, it is this: in our country, we are one in our commitment to find and bring home our missing.

I came of age during the time of Vietnam in a small community on my home Island of Hawaii. Robbie Peacock was a handsome and

well-liked boy, also from that island, who graduated some years ahead of me, went off to college, enlisted as a pilot, and was sent to Asia. His plane disappeared on a mission and his remains have thus far not been found. His mother has passed away and his father grieves for him still. But, far worse, is that for almost 35 years they have had no finality, no resolution.

I represent Ms. Michie Sasaki in Congress. Her brother, Private First Class Takeshi Sasaki, went missing in Korea on April 25, 1951. At the end of 1953, his status was amended to "Missing in Action and Presumed Dead."

Fifty years later, Ms Sasaki, along with her sisters, traveled to Washington DC to attend the 2004 Annual Korean War/Cold War Government Briefings sponsored by Secretary Jennings and our Defense Prisoner of War/Missing Personnel Office. Over 500 individuals representing 225 loss cases attended the briefings. There weren't just sister or brothers of those missing in attendance, but nieces and nephews, sons and daughters, and even some grandsons and granddaughters.

Some 89,000 Americans are still unaccounted for on the world's battlefields since World War II, including 6,000 Korea and 2,000 Vietnam. 73 of Hawaii's own are missing in Korea and 12 in Vietnam.

Here's the point: our missing touch each of us, personally, in our homes, our families and our memories. We have not forgotten them, we all seek resolution, and we are united in our efforts.

We know that we are not alone. We know that in the cities and countryside of your own countries you have countless friends and family members similarly unaccounted for. We know that you and yours also feel still not only your losses but the lack of resolution. We must help each other.

The endeavors of people like Secretary Jennings, General Whitfield, the individuals at the Defense Prisoner of War/Missing Personnel Office (DPMO) and Joint Personnel Accounting Command (JPAC), and the 600 Americans working fulltime worldwide to account for our missing is one of our most important missions. From your country, I salute you all.

And I thank our foreign visitors for your efforts thus far. You can't imagine the effect even today on Americans like Michie Sasaki when they read a headline such as that of a few weeks ago, "U.S. POW/MIA Official Breakthrough in Vietnam," reporting that joint operations will soon resume in the Central Highlands of Vietnam. Congratulations to Secretary Jennings and the representatives of Vietnam for your mutual advancement of our mutual effort.

So, as you all complete your vital work this week and return to your homes, please take with you these thoughts. First, for our country, our commitment to accounting for our missing rises above any internal disagreements; we all want to finish this mission, and all branches of our government are united behind and supportive of the efforts of DPMO and others in our focus on doing so. And second, we want to help you do the same, for our interests are mutual and exist notwithstanding the borders within which we live and the nature of our past, present or future relations.

Perhaps in our joint efforts on this purely humanitarian cause lie the roots of true peace in our world. Mahalo, and aloha!

Mr. SIMMONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KLINE). All time for debate has expired.

The question is on the motion offered by the gentleman from Connecticut (Mr. SIMMONS) that the House suspend

the rules and agree to the resolution, H. Res. 771.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE COMMUNITY OF GRAVETTE, ARKANSAS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, first of all, I would like to congratulate the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Arkansas (Mr. SNYDER) on their work on that resolution, which is so important.

Mr. Speaker, I rise today to honor the community of Gravette, Arkansas, for winning an Arkansas Community of Excellence Award.

The ACE awards, administered by the Arkansas Department of Economic Development, go to communities that do not wait for ideal circumstances to attract development but actively work to create an environment that welcomes growth.

To that end, the community of Gravette embarked on a plan for change that highlighted their town as the heart of hometown America. Their plan, which included everything from minor beautification projects to a \$5 million rural water project, put them in a position to attract more jobs to Gravette. As the town continues to grow, important infrastructure upgrades, like the completion of the railroad overpass, will be crucial to dealing with the changes this growth brings.

Mr. Speaker, the community of Gravette, under the leadership of Mayor Dean Fladager, deserves this award. They put a lot of work into this plan, and it is sure to pay off as this community continues to grow.

FEDERAL DISASTER HELP FOR HURRICANE VICTIMS

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, as we meet this afternoon, our friends and neighbors on the Gulf Coast face yet another threat of a devastating hurricane. As we keep them in our thoughts and prayers, let us reassure them that this body will do everything possible to help recover and rebuild.

Let us also remind the victims of Hurricane Charley and Hurricane Frances that we will not forget their continued suffering. Thanks to the leadership of the gentleman from Florida (Chairman YOUNG), we acted swiftly and decisively in appropriating an initial \$2 billion for hurricane relief last week; a good start, but a small fraction

of the assistance that the victims so desperately need right now.

The President has submitted a request for an additional \$3.1 billion which the gentleman from Florida (Chairman YOUNG) introduced in the form of H.R. 5072. Predictably, the temptation exists to address the other disasters that have recently occurred across our Nation as part of this bill.

I believe we should consider amendments that add relief for hurricanes Charley and Frances caused outside of Florida and also provide assistance for all of Ivan's victims, whether they reside at the point of landfall or far inland.

We cannot, however, afford to get bogged down in considering measures that do not specifically relate to hurricane relief. Hurricane victims facing an emergency cannot afford to wait while we evaluate unrelated disaster assistance proposals, as worthy as they might be.

RIO GRAND FOREST PRODUCTS IN ESPANOLA, NEW MEXICO

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I addressed this House last evening about the policies in our Forest Service which are causing jobs to go overseas, which are killing industries, which are causing infrastructure to be abandoned. After I made that presentation, we received a call today.

Rio Grande Forest Products, operating in New Mexico and the northern district of New Mexico from a town called Espanola in New Mexico, had 100 employees. Rio Grande Forest Products shut down last year due to the Forest Service restricting the harvesting of large-diameter trees. Basically, the Forest Service is blocking them from pursuing harvest. The Forest Service would not facilitate the harvesting despite numerous submittals and requests for assistance.

The employees who lost their jobs have been unemployed, and it is because of restrictive policies that are pushed by extremists in our country who would block any effort to harvest the resources from this country. The sawmill was located on 60 acres, 180,000 feet of idle space.

Mr. Speaker, it is ourselves who are causing the loss of American jobs in this country, not the President.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE GREATEST DANGER: IRAN'S PURSUIT OF NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, last month, Iran successfully tested the latest version of its Shahab-3 intermediate-range ballistic missile. According to Iran's Defense Ministry, the flight was the culmination of Tehran's efforts to improve the range and accuracy of the Shahab-3, which Western experts believe can strike targets anywhere within Israel and also threatens U.S. forces arrayed in neighboring Iraq and around the Persian Gulf.

Tehran's ballistic missile program is worrisome in its own right, but coupled with the increasingly alarming details of Iran's nuclear program, the danger is magnified.

For the past year, the United States and our European allies have been working through the International Atomic Energy Agency, the IAEA, to prevent Iran from continuing its pursuit of nuclear weapons. The IAEA is considering a draft resolution authored by Britain, France, and Germany that will give Tehran until November to reveal in detail its nuclear program.

Our Government has advocated a tougher approach by pressing the IAEA to set specific benchmarks for Iran and by asking the agency to refer the matter to the U.N. Security Council which has the power to take punitive action, including the imposition of sanctions.

Until Tehran sees that its continued nuclear activities have economic and diplomatic costs, they are unlikely to begin serious negotiations that might lead to the shutdown of their nuclear program. Unfortunately, there does not appear to be sufficient support in the IAEA for a tougher line with Iran.

Over the past 2 years, IAEA inspectors have discovered a number of undeclared nuclear activities in Iran that clearly point to a nuclear weapons development program, despite assertions by Iranian officials that one of the world's leading oil exporters was building nuclear reactors to produce energy.

Inspectors have found evidence of unreported uranium imports from China, in 1991, as well as uranium enrichment programs using both centrifuges and lasers. The IAEA also uncovered Iranian efforts to reprocess plutonium and evidence of efforts to produce polonium 210, an isotope that can trigger a nuclear explosion.

In November of last year, the European Union secured an Iranian declaration that it would suspend all enrichment and reprocessing activities. Tehran also agreed to sign an additional protocol that would allow inspectors to provide more tough and unannounced inspections. But Iran reneged, and when challenged for its failures, it bridled, warning that it was likely to resume enrichment in the future.

In addition, there is evidence of continued centrifuge-related activities by private workshops, calling further into question its pledges to the EU.

Finally, Iran recently announced that it was prepared to convert approximately 40 tons of yellowcake into uranium hexafluoride gas, which is the raw material for centrifuge equipment. This is a sufficient quantity to produce nuclear weapons.

There is no doubt that Iran's pursuit of nuclear weapons, along with the ongoing standoff with North Korea over its nuclear weapons program, constitute the gravest threat to American national security today. How we deal with this threat will shape our global security environment for decades. When coupled with the desire by terrorists to acquire and use these weapons against the U.S., the prospect of a nuclear-armed Iran and North Korea is petrifying.

In his new book, *Nuclear Terrorism: The Ultimate Preventable Catastrophe*, Graham Allison, founding dean of Harvard's JFK School of Government, states that if a terrorist were to acquire a nuclear weapon, its delivery to an American target may be almost impossible to stop.

Since coming to the Congress, I have advocated strengthening the Cooperative Threat Reduction Program that seems to secure enormous amounts of fissile material in the former Soviet Union and to expand that effort worldwide.

While securing this material is one element of preventing the production of nuclear weapons, we also have to make structural changes in the global regime that controls the manufacture, transfer and use of fissile material for peaceful use by governments. Chief among these structures is the "grand bargain" of the Nuclear Nonproliferation Treaty, the NPT, first articulated by President Eisenhower's "Atoms for Peace" proposal.

In exchange for the commitment to forgo the acquisition of nuclear weapons and to agree to IAEA safeguards and inspections, the NPT guarantees non-nuclear weapons states who are parties to the Treaty assistance in developing nuclear energy. The problem with this bargain is that it allows nations like Iran and North Korea to access fissile material and technological know-how that are necessary precursors to a nuclear program. When the state feels confident it is ready to proceed with a weapons program, it simply opts out of the NPT. Unfortunately, the path of least resistance, the acquisition of a nuclear bomb, may run right through the NPT, not around it.

In February, the President gave a speech in which he proposed a series of tough steps. He asked, among other things, for the 40-nation Nuclear Suppliers Group not to sell uranium enrichment equipment and reprocessing equipment to countries that are not already in possession of those technologies. Months have passed. We have done little as a Nation in this area, and time, Mr. Speaker, is running out.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. FEENEY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Florida (Mr. WELDON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SHOCKING EVIDENCE REGARDING FORMER U.S. PRESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Mr. Speaker, it is very rare that I come to the well to encourage my colleagues to pay attention to television in general or the news in specific, but I do that here today because there are unconfirmed reports that there are some shocking documents that may be produced tonight by 60 Minutes and CBS News concerning some American presidents.

It turns out that, reportedly, CBS News has documentary evidence that Washington did not cross the Delaware to surprise the British but, rather, in an attempt to surrender in the American Revolutionary War. We are waiting to see the specifics of these documents.

Apparently, President Eisenhower, on the day of D-Day, was not commanding the American and allied troops but, rather, was golfing somewhere in the British Isles, and the allegations are that there may be a golf scorecard produced tonight on CBS and 60 Minutes news.

It turns out that President Richard Nixon, apparently, we again have not seen the evidence yet, never did have a dog named Checkers. Actually, the Nixon dog was named Alger Hiss, for whom the Nixons were secret admirers.

And finally, apparently, there is evidence that we may see tonight that President Reagan was all along a closet socialist and urged Mr. Gorbachev to tear down that wall to provide an opportunity to roll through and conquer Western Europe.

Mr. Speaker, 60 Minutes allegedly is not going to renounce any of these allegations until they have definitive proof to the contrary, and I would urge my colleagues not to always believe what you hear. And sometimes, do not even believe what you see.

□ 1345

SMART SECURITY

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the

House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this year people from around the world saw photographs of the mistreatment, the torture, the sexual abuse of Iraqi prisoners that took place at Abu Ghraib. If anti-American sentiment was not strong enough after the United States invaded a country that never had weapons of mass destruction and never once threatened us, these callous images of American soldiers torturing prisoners sealed the deal. Still, Bush administration officials deny any responsibility for the actions of these soldiers.

Secretary of Defense Donald Rumsfeld shamefully called it the action of "a few bad apples." This scandal continues to get worse. It has come to light in recent months that prisoners also have been abused in Afghanistan and Guantanamo Bay and, moreover, evidence was uncovered earlier this week indicating American abuse of Iraqi prisoners in the northern Iraqi city of Mosul.

An American inquiry into the prisoner abuse uncovered the existence of ghost detainees, prisoners hidden from International Red Cross inspectors and kept off the inmate list of each prison, and military personnel have indicated that the number of ghost detainees may total in the hundreds. Even someone who does not closely follow the quagmire in Iraq would readily acknowledge the real possibility that the widespread prisoner abuse may not be the unfortunate actions of just a few bad apples.

In fact, the evidence overwhelmingly suggest that prison bias by U.S. forces has been coordinated by the Bush administration. The New Yorker Magazine recently detailed a high level Pentagon plan to encourage physical coercion, otherwise known as torture, of Iraqi prisoners in an attempt to produce intelligence about the post-war insurgency in Iraq. If abusing prisoners is not quite official U.S. policy, the widespread nature of these crimes indicate that they were at least deemed acceptable at the highest levels of command. Perhaps the few bad apples are located at the Pentagon and in the White House, not serving in Iraq.

Sadly, it has become obvious that while a few soldiers are standing trial for the prison abuse, the Bush administration and the Republicans in this House have no plans whatsoever to hold any high ranking officials accountable for these terrible misdeeds. In fact, the House Republican leadership refuses to hold hearings on this subject. The House GOP leaders could learn something from the Senate, which has readily investigated this widespread scandal, and it does appear from their hearings to extend to the highest levels of our government.

What has President Bush done about this situation? Absolutely nothing. The White House continues to deny, dodge

and deflect any and all rumors that individuals in the administration may have been involved at any level in the prison abuse scandal.

Mr. Speaker, there must be a better way, because the current method of hiding prisoners from humanitarian agencies and using vicious attack dogs to help conduct so-called prisoner interrogations is further hindering the war on terror and encouraging anti-American sentiment around the world. That is why I have introduced H. Con. Res. 3792, a SMART security platform for the 21st century. My SMART plan will keep America safe.

SMART stands for sensible multi-lateral American response to terrorism. SMART means interrogation, not torture. It encourages open government, not a secretive government that fails to investigate and covers its own back. SMART security encourages negotiations and leadership, not aggression and unilateralism. SMART invests in developmental and humanitarian aid for the most impoverished nations, not an expensive and unproven missile defense system and certainly not the inhumane treatment of prisoners.

The situation in Iraq requires the best America has to offer. SMART security, accordingly, relies on the very best of America, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multi-lateral leadership. SMART security treats war as a last resort to be considered only after every diplomatic alternative has been exhausted, and it controls the widespread use of weapons of mass destruction with a renewed commitment of non-proliferation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FREEDOM OF SPEECH FOR OUR CHURCHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have been on the floor for the last 3 or 4 years from time to time to talk about the need, the importance

of having our spiritual leaders in America to have freedom of speech, to speak on a Sunday or Saturday and talk about the moral and political issues of the day. This year has probably been one of the worst I have seen as far as the attack on people of faith in this great Nation.

Let me read from the St. Petersburg Times, an article from today. It says, "As the political influence of churches grows, opponents are wielding the Tax Code as a weapon against them."

State Representative Arthenia Joyner, a Tampa Democrat who is African American, she says, "It could have a chilling effect. I see it as a way to try to intimidate people, but I think it's not going to work."

I would say to Representative Joyner she is exactly right. That is why I hope that she and many other people, both here in the Congress as well as other State representatives, will get behind this effort to return the freedom of speech to our churches and synagogues.

A lot of people do not know the history, but prior to 1954 any speech or sermon by a minister, priest or rabbi in this great Nation was protected by the first amendment rights.

In 1954 Lyndon Baines Johnson's amendment on a revenue bill going through the Senate basically stifled our churches because our churches are 501(c)(3)s. Well, it seemed like not really much of a law that was enforced until the early 1970s and mid-1980s, when the moral majority got involved in campaigns. When I say got involved in campaigns, I meant speaking out about the moral issues of the day and saying to their congregation who stands for protecting morality. But what has happened even this year in the last 3 months? First of all a Catholic bishop, Bishop Sheridan in Colorado Springs wrote a pastoral letter to 125,000 Catholics. He said nothing about President Bush or Senator KERRY. He did use the word "pro-life."

You might say, well, what is wrong with that? That is what the Catholic church stands for. That is what many churches stand for and also synagogues. Well, the problem is that the Internal Revenue Service has said because of the Johnson amendment there are certain code words that cannot be used. Because Bishop Sheridan used the word "pro-life" in his pastoral letter, Barry Lynn with the American Center for the Separation of Church and State filed a complaint. In addition to that, he has filed a complaint against a Reverend Ronnie Floyd, a Baptist minister in Arkansas. He is now with a group of 100 volunteers monitoring churches in Kansas each Sunday to see what the minister might be saying about morality and might be saying about how we can protect the Judeo-Christian principles of America.

I want to say to Representative Joyner that she is exactly right. The great movements of this country, such as Martin Luther King and the civil rights movement never would have

happened if it had not been for the churches. The churches do have a role in this Nation and our synagogues, and that is to ensure and to help protect morality.

So I am hoping this year that maybe the House will look seriously at this legislation that has been introduced. We have 164 co-sponsors. It is time to protect the moral future of America, and the way that is going to happen is with our spiritual leaders of America being free with the first amendment rights that are guaranteed by the men and women serving this great Nation in Iraq and Afghanistan.

With that, Mr. Speaker, I just want to say again that a nation built on Judeo-Christian principles, if it is going to survive, then we have got to be able to have our spiritual leaders speaking freely with the first amendment rights.

With that I would like to make one close and then I will finish. I first ask that the good Lord bless our men and women in uniform and their families, and I do ask the good Lord to please bless America. America is in trouble and we need the blessings of our Lord and Savior.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SHAMEFUL MEDICARE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, President Bush said about a year ago he would veto any Medicare bill that cost taxpayers more than \$400 billion. The President then signed a bill that cost \$551 billion. His Medicare Administrator, who had lied to Congress, who had not shared any of this information as they continued to say it was \$400 billion to people on both sides of the aisle, his Medicare Administrator knew the true bill's cost long before the President signed it, and you have got to think that the President knew what the bill cost since the Medicare Administrator works for the President, that the President knew what the bill cost before he picked up his pen and signed that legislation late last year.

Seniors would have been outraged had they known that this bloated bill that the President signed would have increased their Medicare premiums 17 percent. Imagine that, the Medicare premiums that seniors have paid, they have fluctuated a little over the years, but imagine a 17 percent increase, the largest increase in Medicare premiums in Medicare history. Thirty-eight years of Medicare, never an increase like this. But seniors would obviously have been outraged to know that Republicans in Congress and the Administrator not only made this happen by passing that bill, but that the President and the administration and the Republican leadership knew that this increase was going to happen because of this bill.

But, of course, this increase happened. Of course, George Bush had to push forward and announce a 17 percent increase. Why? Because of the increased subsidies in the Medicare bill for the insurance industry, for the HMOs. The health maintenance organizations had a 50 percent profit increase last year, yet we are subsidizing them additionally under this bill to the tune of billions of dollars. So, of course, we have to take money out of seniors' pockets in increased Medicare premiums and then turn that money over to Medicare HMOs.

Here is how it works. In this Medicare bill that Congress passed last year, a year ago, starting in March 2004, Medicare HMOs got from taxpayers \$229 million. In April they got \$229 million. Still no Medicare drug benefit, which does not go into effect until 2006, but the HMOs were getting subsidized by the Federal Government.

In June, \$229 million. In July \$229 million from seniors and taxpayers to the Medicare HMOs, to the health maintenance organizations, yet still no Medicare drug benefit. July \$229 million. August \$229 million. This month, \$229 million more, and still no prescription drug benefit for seniors. September, October, November, December and all of next year Medicare HMOs, private insurance companies, will continue to get a subsidy from the Federal Government of \$229 million extra that they were not getting before this Medicare bill took effect.

Of course, the President had to increase premiums 17 percent to pay these insurance companies subsidies. Why would the President raise Medicare premiums to give money to insurance companies? Well, it might be the fact that insurance companies have given tens of millions of dollars to the President's reelection, tens of millions of dollars to my friends on the other side of the aisle. It might have something to do, too, with the fact that this Medicare bill was written by the drug companies, written by the insurance companies.

Drug company profits will go up \$180 billion over the next 10 years because of this prescription drug bill. Insurance companies subsidies, subsidies directly

from seniors through higher premiums and taxpayers will go up literally tens of billions of dollars to those insurance companies, to those HMOs.

The whole Medicare bill, middle of the night debate, vote at 6 o'clock in the morning after the rolls were kept open for 3 hours. One Republican Member accused his own leadership of trying to bribe him on the House floor; arm twisting in the middle of the night; and then the secrecy of trying to foist this 17 percent Medicare increase by announcing it sort of under the cover of darkness, late in the afternoon, right before Labor Day weekend; the secrecy of this whole administration, and ultimately the payoff that this Medicare bill has done, the payoff to the drug and insurance industries because of political contributions.

Remember, a 17 percent increase; a record in the history of Medicare; never an increase this big; 17 percent, the largest premium increase in Medicare history in order to subsidize the insurance companies, in order to give even bigger profits to this country's drug companies.

Mr. Speaker, it is shameful.

□ 1400

HONORING THE LIFE OF FLOYD ALEXANDER PINYAN

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the life of Floyd Alexander Pinyan, a good and honorable American, Georgian, family man and Marine. He passed away on August 27, 2004. He was my constituent in the 11th District of Georgia.

His family has described him as a kind Christian man who raised his children to know the difference between right and wrong. By the family's accounts, it is clear that they were the most important thing in his life. Mrs. Pinyan said she could not have asked for a more wonderful, caring, loving husband than Floyd. She has always admired the respect and love her husband had for others; and if someone asked him for help, he was going to "move mountains" to assist them.

The day after Pearl Harbor, Mr. Pinyan and his brothers enlisted in the armed services. Initially, Floyd tried to enlist in the Navy, but he was turned down because of problems with his feet. Undeterred, he then went to the Marines; and when he asked the recruiter, What are the Marines, the recruiter replied, Sign here and you'll find out.

Mr. Pinyan served honorably with the United States Marines in the Pacific Theatre during World War II, specifically in Guam, Iwo Jima, and China. He also served in Korea and Vietnam and retired after 41 years of distinguished service. Upon retirement, he held the rank of gunnery sergeant.

Floyd Pinyan remained active after his retirement from the Marines, working for the city of Atlanta as a business license inspector for some 15 years.

Mr. Pinyan is survived by his wife of 53 years, Christine; sons, Charles and Carl; daughter, Sharon; eight grandchildren; and five great-grandchildren. His children have continued his honorable service to our country by joining the Army, the Navy and the Marines.

Mr. Speaker, I ask that all of my colleagues join me in honoring the life of Floyd Pinyan of Cobb County, Mableton, Georgia, and in sending our thoughts and prayers to his family.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4885

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4885.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE ESSENCE OF SCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to speak about a matter that should be important to us all, regardless of political persuasion, and that is, the matter of scientific integrity, which I believe is under profound and dangerous attack under this administration and unfortunately under this Congress.

The great Nobel Prize winning physicist Richard Feynman once observed that as scientists we have "a lot of experience with ignorance, doubt and uncertainty. We have found it of paramount importance" he wrote "that in order to progress we must recognize our ignorance and leave room for doubt. Scientific knowledge is a body of statements of varying degrees of certainty, some most unsure, some nearly sure, but none absolutely certain."

Feynman saw this familiarity with uncertainty, with doubt as an important strength, indeed a responsibility that scientists can offer to the society as a whole. He went on to say, "If we suppress all discussion, all criticism, proclaiming 'This is the answer, my friends; man is saved!' we will" in the process "doom humanity for a long time to the chains of authority, confined to the limits of our present imagination." Feynman asserted, "It has been done so many times before."

Feynman was right. It has been done so many times before; and I believe if he were with us today, he would say it is being done yet again. In countless subtle and not-so-subtle ways, this administration and the majorities in the House and the Senate are deliberately and systematically suppressing discussion and criticism and distorting the scientific process. The modalities of

these discussions, or distortions, are manifold; and collectively, they constitute nothing less than a coordinated attack on virtually every stage and every aspect of the science/policy interaction.

Evidence of this attack comes from many sources, including a GAO study which I am holding up here, which I requested along with my ranking member on the Committee on Science, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). Interestingly and perhaps tellingly, we had asked that a full committee hearing be conducted to study this matter; but we were denied that privilege, leaving us to hold a somewhat symbolic hearing of our own.

Nevertheless, based on testimony from that hearing and numerous other sources, it is apparent to me and others that the assaults on scientific independence and integrity includes all of the following: limitations of the questions that are allowed to be asked; constraints on the methods that are used to seek answers to questions; limits or elimination of funding and resources to pursue certain questions that are not politically correct; biased selections of people who will be allowed to ask questions or serve on scientific panels; active and intentional suppression of findings that are not to official liking; unjustified claims and inflation of studies or results that are approved of by the administration; punishment or ridicule of scientists who disagree with official administration dogma; retribution for political involvement on the part of scientists; disregard of discomfiting scientific evidence; placement of nongovernmental ideologues in charge of international missions to supervise U.S. positions, vis-a-vis, scientific discussion; and creation of a climate in which scientists and policymakers have begun actually to self-censor or self-select and actually leave government service.

Thomas Jefferson wrote in a letter to his nephew: "Question with boldness even the existence of a God because, if there be one, He must more approve the homage of reason, than that of blindfolded fear." Clearly, at least in his private letters, Jefferson was not one to believe in limiting questions, and indeed, if one visits Monticello and sees his love for science, one realizes how important that was to him.

When one considers that Benjamin Franklin was considered one of the greatest scientists of his age and that Madison, Jefferson, and Washington and many of the Founders had a profound interest in science, we realize the importance of that principle to the founding principles of this Nation.

But we must contrast that attitude of the Framers with an administration that removes from a National Cancer Institute Web site fact sheets showing there is no empirical evidence linking abortion to breast cancer. Contrast that attitude of scientific inquiry with suppressing analyses of clean air legislation that will save lives and cut pol-

lution at negligible cost. Contrast the Framers' attitude with initiatives in Congress to cut funding for research relating to sexually transmitted disease prevention. Contrast that attitude with limits to stem cell research. Contrast that attitude of the Framers with the selective appointment or withdrawal of experts on scientific advisory panels. Contrast that attitude with the willful stacking of advisory committees and removal of any voices deemed unfriendly to a predetermined outcome.

Within the scientific community, the effect of the administration's and congressional actions have been chilling and demoralizing. Researchers are practicing self-censorship or leaving government careers entirely.

Let me conclude, if I may, with one final comment of Richard Feynman. He said, "It is our responsibility as scientists, knowing the great process which comes from a satisfactory philosophy of ignorance, knowing of the great progress which is the fruit of freedom of thought, to proclaim the value of this freedom; to teach how doubt is not to be feared but welcomed and discussed; and to demand this freedom as our duty to all coming generations."

We must do that not only as scientists but as Representatives.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

(Ms. HARRIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TORT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, I would like to speak about tort reform, but before I do that I would like to use some of the comments of my colleague and friend who has just spoken about scientific integrity and maybe the creation of a climate that self-selects facts but disregards the scientific evidence, the active suppression of that evidence and questioning and removal of voices that are contrary to predetermined outcomes.

I was certain that he was going to bring in CBS news and Dan Rather into the thing, but he stopped one step short. So I would like to add CBS news and Dan Rather to the list of people who preselect their facts, who preselect and predetermine the outcomes, and then compliment CBS news and Dan Rather for their pursuit of truth in front of the American people.

Mr. Speaker, one of the things that we continue to talk about on this House floor is the way that businesses are driven off the shores of America into other countries. Very often we

seem to simply omit the discussion of tort reform and the need for tort reform and the cost to not only businesses but to individuals in this country for lawsuits, for frivolous lawsuits, litigation.

Mr. Speaker, the U.S. Chamber ran an ad 2 years ago which described the cost of every car to include \$500 for the cost of legal protection. That means that every consumer who buys a new car contributes \$500 to the trial lawyers in this Nation. Is it any surprise then, Mr. Speaker, that this year the trial lawyers have contributed hundreds of millions of dollars into the 527s in order to buy influence and to influence the outcome of the elections?

It is no surprise to me, Mr. Speaker, because we find that the trial lawyers right now are pulling somewhere between 2.5 to 3 percent of the Nation's economy. Keep in mind that we are trying at this moment to get a 4 percent rate of growth year after year, and we are doing that; but at the same time, the trial lawyers are pulling 2.5 to 3 percent of the economy out the bottom.

Now, if that money were going to productivity and the hiring of people, that would be one thing; but what we find is that trial lawyers are escalating into the category of the world's richest people, not based on productivity, not based on what they add to the economy, but based on what they take out of the economy.

This affects every single one of us when they go to get a job. We find that the companies pay less because of the threat of lawsuits.

American Express told us in New York last year, a group of business leaders who were in the Congress, at that point that if we do not limit the frivolous lawsuits, if we do not limit class action lawsuits in this Nation, that we are going to drive out every single major corporation; that, in fact, within 20 years there would not be a single major corporation left in America.

We have to wonder then where are we going to get our pension plans funded. Where are we going to have the taxes that are paid to the Federal Government to support our retirees? It is a huge problem, and yet the trial lawyers continue to buy influence at an amazing rate, and they buy influence in this institution.

Here in the House, we have passed multiple forms of lawsuit abuse protection; but somehow, once they leave the doors of this institution, they simply are bottled up and kept dormant.

Mr. Speaker, it is time for the partisan politics that limit the debate and that limit the actions to stop the frivolous lawsuits. It is time for the partisan politics to stop and for us to protect the American consumer, for us to protect American businesses.

At one point last year, the insurance agents' representative for the Nation came into my office and gave me a list of maybe 30 or 40 new businesses, new

activities that will not be covered under insurance this coming year. That means that every company that does those activities will not function because you cannot function without liability insurance in this country.

So what we are doing is we are continuing to limit the number of activities that we can have, jobs produced for Americans, all at the benefit of the trial lawyers of America.

HONORING THE LIFE OF JOE KARY WESTMORELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I stand to pay tribute to an outstanding and distinguished human being, Joe Kary Westmoreland, from my district who died just recently.

Joe began his musical career by singing and playing the piano at a very early age in New Morning Star Baptist Church. After graduating from Booker T. Washington High School, he moved to Los Angeles to continue his education. He attended Los Angeles City College and the University of California at Los Angeles where he earned a bachelor's degree in 1981.

□ 1415

In 2000, Joe received a doctoral degree from the Pentecostal Bible College, West Coast Campus.

Joe taught choral music at Duarte High School, Occidental College, and UCLA. For over a quarter of a century, he served the First African Methodist Episcopal Church of Los Angeles, many of these years as Minister of Music. Since 1976, his gospel music compositions have been presented in over 100 concerts by major orchestras and two films, *Music in Time* and *Zubin Rocks Gospel*, and are in public libraries around the country. One aired on three segments of CBS' 60 Minutes.

The North Carolina Symphony and Interdenominational Choir performed seven of Joe's compositions at the Shaw University Heritage Festival, from 1977 through 1980. He conceived and helped produce the noted, *Hallelujah Concert: A Tribute to Gospel Music*, held at the Great Western Forum in Inglewood, California. Joe was the first composer of gospel music to have his works performed by Zubin Mehta and the Los Angeles Philharmonic Orchestra as well as the New York Philharmonic Orchestra.

In 1982, Joe was commissioned by the Albany Symphony to write a gospel mass. This music was also performed by the Utah Symphony Orchestra in 1983. And in 1987, together with Charles May, he wrote the gospel opera, *Job*, which starred Reverend Daryl Coley and the First AME Freedom Choir. It was performed again in 1988 for the Los Angeles Festival and for the AME General Conference in Fort Worth, Texas.

His credits go on and on in the area of music and gospel and bringing the

two together. He wrote the gospel opera, *Jezebel*, which was performed in the Vision Theater in Los Angeles for a full month. His musical talents have not been unrewarded, and he has received every single award across the board.

Mr. Speaker, this is the kind of citizen that we need more of. He leaves a tremendous legacy in music and song but, most of all, in spirituality. And I want to extend my sympathy to his wife who stood by him all of those years, through an automobile accident, through several strokes and heart attacks, but he was still able to write and perform. He had been married to his wife for 39 years.

We pay tribute to his spirit, to his life, and we wish him a rest that is well-deserved in the hands of our Lord.

SCIENCE POLICY/STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. COLE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, a number of my colleagues have already spoken on, I think, a very important initiative or series of initiatives that require, unfortunately, the attention of this Congress and certainly the attention of many of our committees and particularly the one I serve on, the House Committee on Science.

I believe that the administration's science policy is adrift. We have not focused on the important needs of this Nation as relate to issues dealing with nanotechnology and basic research, environmental issues, and, of course, stem cell research, space exploration, and the International Space Station.

I rise in the backdrop of some 2 years since the tragedy of Columbia VII with so many of our brilliant scientists that flew into space with great hopes and aspirations to be able to press for space exploration, to be able to enhance a better quality of life for those of us who live on earth.

Space exploration has found, in many instances, ways to create a better life for human beings. It was the beginning of the understanding of the human genome. It certainly has been at the backbone of research dealing with cancer, diabetes, HIV/AIDS, heart conditions, stroke and aging. So we know there is value in exploring space. Other technological advances have been the beneficiary of that, yet I do not think we have done enough on Admiral Gehman's report on the issue of safety. I do not believe we have yet to complete, legislatively, the instructions that Admiral Gehman gave to us. The administration has been slow in acting.

I, for many months now, have been asking for a full and complete hearing on the questions of safety on the International Space Station. Just recently, we determined there was a leakage

that had to be fixed by the only two remaining astronauts on the International Space Station. We have yet to create a vehicle that can allow additional travel for additional astronauts to go back and forth to enhance the safety of the International Space Station by repairing some of the problems with that space station.

Mr. Speaker, I call on my colleagues on the House Committee on Science to move forward on a hearing now on the safety questions of the International Space Station and begin again hearings to hear from NASA as to its implementation or its proposals for ensuring that human space shuttles fly again. These matters have not been attended to, and it puts us very far behind the work we should be doing in science.

I also note for those who have been following the discussion dealing with the stem cell research that, in the United States, millions of people are suffering needlessly. They are suffering because the administration is putting aside a century-long commitment to investing in and making use of good science in order to better the lives of the American people.

Furthermore, I am sorry to say that this Congress has been derelict in its duty to critically oversee the administration and to push creative and thoughtful legislation that will keep this Nation moving forward.

We discovered a few weeks ago articles reporting on the decrease, the dumping down of dollars going into our research laboratories and our other research facilities such that professors and those who are graduating this year with the expertise of research, who can be part of new discoveries for the 21st century, are wondering whether they will have positions in research institutions around the Nation, whether or not there are enough Federal dollars to create opportunities for research. We would be certainly remiss if we did not fight for and seek to increase those dollars to keep from losing that talent.

We are finding now that international students, likewise, are finding their way to research labs elsewhere rather than coming to the United States and providing us the opportunity of being first in line with outstanding research that will again increase our quality of life. It was at the beginning of the new computer age, the Internet, the Web, all of that created by new bright minds, some of those in military research facilities, with dollars that were provided from our Federal Government.

As of this week, more than 5,000 scientists have signed on to a statement produced by the Union of Concerned Scientists accusing the administration of misusing and fully abusing scientific methodology. Signers include 48 Nobel laureates, 62 National Medal of Science recipients, and 127 members of the National Academy of Sciences. A number of these scientists have served in multiple administrations, both Democratic

and Republican, underscoring the unprecedented nature of this administration's practices in demonstrating that the issues of scientific integrity transcend partisan politics.

We will speak to that as we continue throughout the remaining time of this Congress, that people are suffering needlessly because we have limited our research in stem cell research. Approximately 25 million people are living with diabetes, Parkinson's disease, Alzheimer's, Lupus, and other degenerative diseases. That is nearly 10 percent of our entire population. Over the course of decades, treating and caring for this Nation's sick will come at an incredible financial cost to taxpayers, families, and the U.S. health care system. In fact, Alzheimer's is the third most expensive disease to treat in America. The human cost is incalculable.

Stem cell research offers the promise of one day finding significant treatment and perhaps even cures for these diseases. If given the opportunity by our Federal Government, our scientists and researchers could potentially unlock the secret to reversing the horrible effects of Alzheimer's, Parkinson's, Lou Gehrig's disease, Lupus, and many others. In the longer term, stem cell therapies may help spinal cord injury patients benefit from an even limited restoration of lost functions, such as gaining partial use of a limb instead of none or restoring bladder control or being free from pain. This could mean a world of difference to millions of affected individuals.

Tragically, this administration would rather forego the preservation and improvement of life for political gains. On August 9, 2001, the administration announced restrictions on Federal funding for stem cell research and immediately froze progress on a valuable branch of scientific research. The President claims his opposition to expanded funding comes from his unwillingness to cross a strict moral line. When he cuts funding for prenatal and perinatal care, when he pursues a violent and expensive foreign policy, the strict moral line becomes blurred.

The President's Federal policy was already outdated the day it came out. He limited Federal funding for research using one of 78 cell lines available on August 9, 2001. Unfortunately, since then, it has been discovered that only 19 of those lines are actually functional, and of those 19, many are of diminished quality and value. Why spend any money at all to do second-quality research with thirdhand tools?

The President's policy is resulting in a reverse brain drain. Instead of working on outdated stem cell lines in U.S. labs, many of our brightest scientists are conducting research in the United Kingdom where the government fully funds stem cell research. When progress occurs in British labs, it will be British patients who will be the first beneficiaries of these new techniques.

Many argue that the Bush policy does nothing to inhibit advances in

stem cell research. I beg to differ. The problem is that, as richer states and institutions advance the science of stem cell biology, it will be our institutions that will suffer.

Mr. Speaker, let me close by simply saying that even the former First Lady Nancy Reagan has begged us to find cures so that we can prevent the ravages of these unchecked diseases, such as Alzheimer's. I would only hope that the Committee on Science, lead by the Republicans and joined by the Democrats, will do its work before this Congress ends; that we will find ways to ensure the safety of space exploration in the International Space Station; and that we will find ways to do the right kind of research for stem cell research.

Mr. Speaker, I am here today with two of my colleagues from the Science Committee. We are concerned about the record of this administration, as it pertains to science. Their record has shown a blatant tendency to favor ideology over peer reviewed science. Research under the administration is drifting. There also has been a cavalier disregard for any possible assistance to U.S. industry that would match the subsidies and support offered by foreign governments to industries abroad. This ideological approach to science has put us at a serious competitive disadvantage.

In the United States millions of people are suffering needlessly. They are suffering because the administration is putting aside a century-long commitment to investing in, and making use of, good science in order to better the lives of the American people. Furthermore, I am sorry to say that this Congress has been derelict in its duty to critically oversee the administration, and to push creative and thoughtful legislation that will keep this Nation moving forward.

As of this week, more than 5,000 scientists have signed onto a statement produced by the Union of Concerned Scientist, accusing the Bush administration of misusing and fully abusing scientific methodology. Signers include 48 Nobel laureates, 62 National Medal of Science recipients, and 127 members of the National Academy of Sciences. A number of these scientists have served in multiple administrations, both Democratic and Republican, underscoring the unprecedented nature of this administration's practices and demonstrating that the issues of scientific integrity transcend partisan politics.

This afternoon a handful of Democratic members of the Science Committee will highlight some of the glaring areas where this administration and the congressional leadership are not properly using science to serve the American people.

As I said, people are suffering needlessly. Approximately 25 million people are living with diabetes, Parkinson's disease, Alzheimer's, Lupus, and other degenerative diseases. That's nearly 10 percent of our entire population. Over the course of decades, treating and caring for this Nation's sick will come at an incredible financial cost to families, taxpayers, and the U.S. health care system. In fact, Alzheimer's is the third most expensive disease to treat in American. The human cost is incalculable.

Stem cell research offers the promise of one day finding significant treatment and perhaps even cures for these diseases. If given the op-

portunity by our Federal Government, our scientists and researchers could potentially unlock the secret to reversing the horrible effects of Alzheimer's Parkinson's, diabetes, Lou Gehrig's disease, Lupus, and many others. In the longer term, stem cell therapies may help spinal cord injury patients benefit from an even limited restoration of lost functions—such as gaining partial use of a limb instead of none, or restoring bladder control, or being freed from pain. This could mean a world of difference to millions of affected individuals.

Tragically, this administration would rather forego the preservation and improvement of life, for political gains. On August 9, 2001, President Bush announced restrictions on Federal funding for stem cell research, and immediately froze progress on a valuable branch of scientific research. The President claims that his opposition to expanded funding comes from his unwillingness to cross "a strict moral line" When he cuts funding for prenatal and perinatal care, when he pursues a violent and expensive foreign policy, the President's "strict" line becomes more blurry.

The President's Federal policy was already out-dated the day it came out. He limited Federal funding to research using one of 78 cell lines available on August 9, 2001. Unfortunately, since then it has been discovered that only 19 of those lines are actually functional. Of those 19, many are of diminished quality and value. Why spend any money at all to do second-quality research, with third-hand tools?

The administration's policy is resulting in a reverse brain drain. Instead of working on outdated stem cell lines in U.S. labs, many of our brightest scientists are conducting research in the United Kingdom where the government fully funds stem cell research. When progress occurs in British labs, it will be British patients who will be the first to benefit from these new techniques.

Many argue that the President's policy does nothing to inhibit advances in stem cell research since privately funded scientists can work at will. The problem is that as richer States and institutions advance the science of stem cell biology, it will be those institutions and communities that will benefit from an increase in jobs, the boost to the local economy, and increased access to cutting edge medical treatments. Under this scenario, critical patients will be held by a limited number of institutions, further impeding even privately funded research. This will only add to the growing health disparities between the rich and the poor, the urban and the rural, the haves and the have-nots. Our Federal Government must seize this opportunity to counteract this effect that will have devastating impacts on patients, their families, and their friends.

Former first lady Nancy Reagan saw the ravages of unchecked disease, as President Reagan waged his own personal decade-long battle with Alzheimer's. She is now adding her voice to the call for a more rational and progressive stem cell policy. She has stated, "Science has presented us with a hope called stem cell research, which may provide our scientists with many answers that for so long have been beyond our grasp. I just don't see how we can turn our backs on this."

Mr. Speaker, the hope of which former First Lady Reagan spoke must be met, not only with optimism, but also with political will and decisive action. On April 28, more than 200 Members of the House of Representatives

sent a letter to the President urging him to expand Federal funding for stem cell research. On June 4, 58 Members of the Senate sent a similar letter urging that the President relax his restrictions on Federal funds and repeal his antiquated policy. We approached the President with the purpose of honest and healthy debate. The President has refused to hear our arguments. This is an issue that could bring Americans together to save lives. Instead, we are wasting time and taxpayer dollars, playing politics—debating divisive issues that are going nowhere.

Now is the time to reverse the negative effects of the administration's policy. It is time to implement a policy that encourages science, creates jobs, expands health care, and saves lives. It is time for an expansion of Federal funding for stem cell research in America.

AMERICANS NEED THE RIGHT TO VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. JACKSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. JACKSON of Illinois. Mr. Speaker, the Congressional Black Caucus today will be hosting here on the floor a special order regarding the protection of the fundamental right to vote for all Americans. Given the crucial nature of the up and coming election, the caucus' chairman, the gentleman from Maryland (Mr. CUMMINGS) and other members of the CBC have requested this time to talk with all Americans about some fundamental flaws that exist in our system.

Mr. Speaker, the Bible tells us, in the story of Matthew, of a wise man who built his house on a rock, and when the rain fell and the floods came and the winds blew and beat upon his house, it did not fall because he built it on a rock. But there was a foolish man who built his house on sand, and when the rain fell and the floods came and the winds blew and beat against his house, it fell.

Mr. Speaker, elections in the United States are like the foolish man who built his house on sand. Our election system is built on the sand of States' rights. We need to build it on a rock, the rock of a new amendment to the Constitution, affirmatively guaranteeing every American an individual right to vote and granting Congress the authority to create a unitary voting system.

The United States sees itself as the center of world democracy, so most Americans will be surprised, even shocked, to discover that we do not have the right to vote. Unlike the Constitution's First Amendment guarantee of an individual right to freedom of religion, to freedom of press, to freedom of assembly, the individual right to vote is not in the Constitution.

Most Americans are also unaware that, according to a joint study by Caltech and MIT, somewhere between 4 and 6 million votes nationally were not

counted in 2000. Many States had similar problems to what occurred in Florida. My State of Illinois was the worst. Florida got the attention only because of the closeness of their vote.

Voting in America is overseen by 13,000 different election administrations, all separate and unequal, which is reminiscent of the legal theory that established Jim Crow segregation for 58 years as a result of the 1896 Plessy v. Ferguson decision.

□ 1430

The 15th, 19th and 26th amendments prohibit discrimination in voting on the basis of race, sex and age respectively, but they do not affirmatively guarantee the right to vote. Voting in America is essentially a 10th amendment issue, States rights, and therefore we end up with 50 different State systems, 3,067 different county systems and 20,000 different municipal systems in the United States.

The Supreme Court ruled in Bush v. Gore that the individual citizen has no fundamental constitutional right to vote for electors for President of the United States. In other words, Florida's State right to oversee the election took precedence over counting every individual vote; or legally, States rights triumphed over individual rights. In essence the Court said since there is no affirmative right to vote in the Constitution, what does the Florida State statute say? It says that the former Secretary of State is in charge of the election, and according to Florida law, all of the votes must be counted by midnight, December 12.

Since the Court decision came down at 10 p.m. on December 12, the Secretary of State said, in essence, if you cannot count all of the votes in the next 2 hours, President Bush is the President. But just in case the Court had ordered all of the votes counted and it turned out that Vice President Gore had won the most popular votes in Florida, the Republican controlled, or it could be a Democratic controlled, legislature had a backup plan: Based on the fact there is no right to vote in the Constitution of the United States for the individual citizen, that the Constitution says the right to elect electors resides in the State legislature. The Florida State legislature was prepared to ignore the 6 million popular votes, elect their own electors and send them to Congress for certification. That would have been both legally and constitutionally permissible.

The Help America Vote Act, or HAVA, is not the answer. It is built on sand, States' rights. I am convinced if Congress had the will, under our current Constitution it could do much more than HAVA to strengthen the administration of a unitary voting system and protect and fully count all votes.

But I am unconvinced, absent a voting rights amendment, that any solution to these and any of our other most pressing voting rights problems will be

universal or sustainable. How do we change the current system and prevent another Florida, another Illinois, or some Ohio or some other State from undermining our election system? How can we achieve equal protection under the law in 13,000 separate and unequally administered voting jurisdictions? Some voting jurisdictions use computers. Others use punch card voting. Some allow Internet voting, others do not. Some allow lever voting systems. Some voters simply write an "X" next to the candidate of their choice; all separate and all unequal.

If we as Americans can guarantee for the people of Afghanistan the fundamental right to vote, and we can guarantee the fundamental right to vote for the people of Iraq, then of course we should be able to guarantee for every single American the fundamental right to vote.

Look at the issue of felons. In the State of Illinois if one commits a felony, after one has served their time, the State of Illinois under State law re-enfranchises felons. In Florida once one commits a felony, one will never be re-enfranchised because the State prohibits felons who have served their time from ever regaining the franchise. But in Vermont, even if you are in jail you are still allowed to vote in presidential and local elections, in some local elections.

Mr. Speaker, we need to guarantee the fundamental right to vote for every single American in our Constitution and only by adding an affirmative right to vote amendment to the Constitution, such an amendment would give Congress the power to establish a unitary voting system, ensure that every vote is counted, and grant equal protection under the law for all voters.

House Joint Resolution 28 is such an amendment, and I urge Members to sign on as cosponsors.

Mr. Speaker, no one has been traveling across the country as much, analyzing the Nation's voting system and trying to raise the consciousness of the Congress to guarantee and secure democracy for all Americans quite like the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS).

FIGHTING FOR A RIGHT TO VOTE CONSTITUTIONAL AMENDMENT

(By Congressman Jesse L. Jackson, Jr.)

Most Americans believe that the "legal right to vote" in our democracy is explicit (not just implicit) in our Constitution and laws. However, our Constitution only provides for non-discrimination in voting on the basis of race, sex, and age in the 15th, 19th and 26th Amendments respectively.

The U.S. Constitution contains no explicit affirmative individual right to vote!

Even though the "vote of the people" is perceived as supreme in our democracy—because voting rights are protective of all other rights—the Supreme Court in Bush v. Gore constantly reminded lawyers that there is no explicit or fundamental right to suffrage in the Constitution—"the individual citizen has no federal constitutional right to vote for electors for the President of the United States." (Bush v. Gore, 531 U.S. 98, 104 (2000)).

Chief Justice William Rehnquist and Associate Justice Antonin Scalia besieged Gore's lawyer with inquiries premised on the assumption that there is no constitutional right of suffrage in the election of a president, and state legislatures have the legal power to choose presidential electors without recourse to a popular vote. "In the eyes of the [Supreme] Court, democracy is rooted not in the right of the American people to vote and govern but in a set of state-based institutional arrangements for selecting leaders." (Overruling Democracy—The Supreme Court v. The American People, by James B. Raskin, p. 7)

While a voting rights constitutional amendment would be strictly non-partisan, nevertheless, the 2000 election is a splendid example of the undemocratic nature of our currently administered election systems—and there are literally thousands of them. Each state and the District of Columbia (51), counties (3,067), and thousands of municipalities administer their own election system under state law, with great flexibility on many issues in the variously administered voting jurisdictions. That's the chaotic dynamic that was in play in Florida's 67 counties.

In 2000, if every American had had an individual constitutional right to vote, every vote would have had to be counted. However, under our current "states' rights" arrangement the state legislature and state law took legal precedence over the individual vote and the individual voter.

It is also important to point out that if candidate George Bush had lost in the Supreme Court in 2000, Florida's Republican-controlled legislature was prepared to ignore the six million popular votes cast in Florida. Under state law, they were determined to elect, select, choose, and hand pick, if necessary, their own "Bush presidential electors" and send them to Congress for certification—even if it had turned out that Al Gore won the most popular votes in Florida.

Thus, in terms of the political consequences of our present arrangement, if all of the votes legally cast in 2000 had been counted, Al Gore and not George Bush would be President of the United States today.

The principled commitment ought to be honest, fair and efficient elections for everyone, for all time. However, after 2000, any Democrat who cannot support adding a voting rights amendment to the Constitution ought to be asked to explain why!

Thus, even if all votes had been counted and Al Gore had won Florida's popular vote, and his electors had been sent to Congress, under our current Constitution the Florida legislature could have sent their slate of Bush electors to Congress and it would have been perfectly legal—and a "strict constructionist" or necessary constitutional interpretation—for Congress to have recognized the Bush electors.

Only a Voting Rights Amendment can fix these flaws in our Constitution and administration of elections.

The 10th Amendment to the Constitution states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Since the word "vote" appears in the Constitution only with respect to non-discrimination, the so-called right to vote is a "state right." Only a constitutional amendment would give every American an individual affirmative citizenship right to vote.

Without the constitutional right to vote, Congress can pass voter legislation—and I support progressive electoral reform legislation—but it leaves the "states' rights" system in place. Currently, Congress mostly uses financial and other incentives to entice

the states to cooperate and comply with the law. It's one reason there have been so many problems with the recently passed Help America Vote Act, and why many states still have not fully complied with the law.

Our "states' rights" voting system is structured to be "separate and unequal." As we saw in the 2000 election, there are 50 states, 3,067 counties, tens of thousands of cities, and many different machines and methods of voting—all "separate and unequal."

There's only one way to legally guarantee "an equal right to vote" to every individual American and that is to add a Voting Rights Amendment to the Constitution!

The lack of basic political rights for all Americans was made even clearer in *Alexander v. Mineta*, a case to gain political representation for the disenfranchised citizens in our nation's capital, the District of Columbia. Ignoring the democratic ideal of voting, the court said, "The Equal Protection Clause does not protect the right of all citizens to vote, but rather the right of all qualified citizens to vote" (*Alexander v. Daley*, 90 F. Supp. 2d, 35, 66, emphasis added) "To be qualified, you must belong to a 'state' within the meaning of Article I and the Seventeenth Amendment and must be granted the right to vote by the state." (Overruling Democracy—The Supreme Court vs. The American People, By Jamin B. Raskin, p. 36)

I believe that voting is not only a democratic right, it's a human right. That human right is not in our Constitution! That's why I have proposed legislation to add a voting rights amendment to the U.S. Constitution based on the individual right of all Americans to vote. It was introduced in the U.S. House of Representatives as House Joint Resolution 28. It reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

'Section 1. All citizens of the United States, who are eighteen years or age or older, shall have the right to vote in any public election held in the jurisdiction in which the citizen resides. The right to vote shall not be denied or abridged by the United States, any State, or any other public or private person or entity, except that the United States or any State may establish regulations narrowly tailored to produce efficient and honest elections.

'Section 2. Each State shall administer public elections in the State in accordance with election performance standards established by the Congress. The Congress shall reconsider such election performance standards at least once every four years to determine if higher standards should be established to reflect improvements in methods and practices regarding the administration of elections.

'Section 3. Each State shall provide any eligible voter the opportunity to register and vote on the day of any public election.

'Section 4. Each State and the District constituting the seat of Government of the United States shall establish and abide by rules for appointing its respective number of Electors. Such rules shall provide for the appointment of Electors on the day designated by the Congress for holding an election for President and Vice President and shall ensure that each Elector votes for the candidate for President and Vice President who received a majority of the popular vote in the State or District.

'Section 5. The Congress shall have power to enforce this article by appropriate legislation.'

With this amendment in the Constitution, all of the votes in 2000—to the best of our human ability and using credible and uniform criteria—would have had to have been counted. No unnecessary or arbitrary timeline cutoff would have been allowed with regard to counting votes. And the Florida legislature could not have even thought about ignoring the six million popular Florida votes in order to select presidential electors independent of the popular vote. Under this amendment, the popular vote could never be ignored and an independent legislative selection of electors could never happen.

In light of the presidential fiasco in Florida in 2000, and during the South Carolina Democratic presidential candidate's debate on May 3, 2003, Rev. Al Sharpton asked Florida Senator Bob Graham if he would support adding a voting rights amendment to the Constitution. In essence he said the following: "I haven't seen the legislation, but probably not. I believe states should remain in control of election procedures. And I'm against federalizing the election process."

Let's analyze his statement.

1. It means Senator Graham essentially supports the status quo when it comes to voting rights because, under current law, 2000 could happen again in Florida or elsewhere. The winner of the popular vote losing has happened three previous times in our history—1824, 1876 and 1888. Most Americans are totally unaware that, nationally, according to a joint study by the California Institute of Technology and Massachusetts Institute of Technology, somewhere between four and six million votes were not counted in 2000 because many states had similar problems to what occurred in Florida. Other states' election systems didn't get the same exposure as Florida's because the winner in other states was not in doubt. For example, Illinois was worse than Florida—it didn't count nearly 200,000 votes with similar problems to Florida's—but because Gore won Illinois by over 300,000 votes, the winner of the state's electoral votes was not in doubt. In Illinois and other states too, most of the problems—with voting and machines—were concentrated in the poor and minority communities.

"Amazingly, the government of the United States conducts and provides no official count of the vote for president." (Overruling Democracy—The Supreme Court vs. The American People, by Jamin B. Raskin, p. 66) Can you imagine the United States recognizing a close and hotly contested third world "democratic" election where the citizens had no right to vote, as much as six percent of the total vote was not counted; where there were no official results provided by the government; and where that country's Supreme Court declared its personal and ideological friend the winner, even though the declared winner did not get the most popular votes?

2. It means Senator Graham supports "states' rights" when it comes to voting rights. But I would remind Senator Graham and others, slavery was not supported directly in the Constitution. The word "slavery" never appeared in the Constitution. Slavery was supported constitutionally because states had a right—"states' rights"—to provide legal cover allowing private citizens to own other human beings. That same states' rights system was at work in the 2000 election with respect to voting and it continues today.

3. H.J. Res. 28 does not federalize voting any more than the First Amendment federalizes free speech or freedom of religion. The First Amendment's right to free speech and

religion is an individual citizenship right applicable to every American—not a “federal” right—protected by the federal government and its courts. It’s an individual right that can be upheld in a federal court of law. Likewise, a voting rights amendment would grant every American an individual citizenship right to vote that, because it would be a right for every American, would ultimately be validated by Congress through legislation, and the Supreme Court through interpretation.

4. In essence, then, in the South Carolina debate, Senator Graham chose “states’ rights” over an “individual right.”

5. Attorney General John Ashcroft sent a letter to the National Rifle Association asserting that every American has an individual constitutional right to a gun. In it he wrote; “Let me state unequivocally my view that the text and the original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms.” Some agree and others disagree with that interpretation.

However, there can be no debate or disagreement about the right to vote. The Supreme Court made it absolutely clear in *Bush v. Gore*—there is no individual citizenship right to vote in the Constitution!

If Americans had a choice between the right to a gun and the right to vote, it would be nearly unanimous. Americans would choose the right to vote! If that is the priority of the American people, then we should have the wisdom and political will to codify it in the form of a constitutional amendment.

What are the advantages of fighting for human rights and constitutional amendments? Human rights and constitutional amendments are non-partisan (they’re neither Democratic nor Republican), they’re non-ideological (they’re not liberal, moderate, or conservative), they’re non-programmatic (they don’t require a particular means, approach or program to realize them), and they’re non-special interest (they’re for all Americans). We can experiment to find the best means of fulfilling such a constitutional right!

August 6th was the 38th anniversary of the signing of the 1965 Voting Rights Act. But the Voting Rights Act is really misnamed and, to some extent, misleading. It’s not actually a voting rights act. In fulfillment of the 15th Amendment to the Constitution, added in 1870, the 1965 Voting Rights Act was actually a non-discrimination in voting act.

To fulfill the democratic ideal, an affirmative voting rights constitutional amendment still lies in the future. According to Harvard’s constitutional law professor Alexander Keyssar one-hundred-and-eight (108) of the one-hundred-and-nineteen (119) nations in the world that elect their representatives to all levels of government in some democratic fashion explicitly guarantee their citizens the right to vote in their constitution. Both Afghanistan’s constitution and Iraq’ interim legal document contains a right to vote. The United States is one of the eleven nations in the world that doesn’t provide an explicit right to vote in its Constitution.

If we pass a new voting rights amendment, the next civil rights movement will emerge fighting for congressional legislation that can advance even further the central democratic idea of universal voting—only partially enabled through the 1965 Voting Rights Act, Motor Voter and the Help America Vote Act. With a voting rights amendment, a new civil rights movement would emerge to fight to fully implement the amendment, while also using the federal courts to interpret voting rights more fully.

What can I do? If you would like to help me put this voting rights amendment in the Constitution, call your congressperson at 202-225-3121 (or call their local office) and urge them to become a co-sponsor of H.J.

Res. 28. If you need more information about this legislation call my office at 202-225-0773.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS), chairman of the Congressional Black Caucus.

The SPEAKER pro tempore (Mr. COLE). The Chair will reallocate control of the balance of the leadership time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman from Illinois (Mr. JACKSON) for all of his hard work. I thank the gentleman for constantly standing up for what is right, so often finding himself standing alone.

But as I have often said with regard to the Congressional Black Caucus when the question is asked why is it that you stand up over and over again when it appears you cannot win this battle or that battle, what we do is we consistently stand up, not necessarily to win but to set the trend for justice and for righteousness.

Mr. Speaker, I rise this afternoon with my fellow members of the Congressional Black Caucus to highlight the importance of protecting the right to vote in our Nation. I have often said this is not a black, yellow, brown, red-dish. It is not about race, it is not about culture. It is not about religion. This is a red, white and blue issue.

When we talk about the right to vote and have your vote counted, it is clear when we look at our democracy that the very building blocks of the great thing that we call democracy and that so many other countries emulate or try to emulate is built on the individual’s right to go to his or her polling place and pull a lever to select someone who will represent him or her in local or State or Federal Government, and that person will hopefully reflect that citizen’s viewpoints when it comes to making policy. That is what it is all about. That is what our democracy is all about. That is why voting is so important.

When we take away that right to the vote or when you deny a person after they have voted the right to have their vote counted, then we are literally taking away the building blocks of what we call this great democracy.

Mr. Speaker, we are now 48 days from what will be one of the most decisive elections of our lifetime. I have said on many occasions that it is not only a decisive election, but that it is probably the most important election. This is that election where we will select the President who will decide who will be the next two or three new members of the Supreme Court, and who will decide exactly where we go with this Iraq war. This is the election which will probably decide the course of America’s history for the next 50 years. Therefore, it is critical that within the next 48 days we educate people on registration deadlines, early voting, and the rights each American is entitled to when they go to the polls.

As an African American elected official, I am particularly sensitive to the issue of voting rights because when the

Declaration of Independence was penned, it did not have my independence in mind. It did not have my independence in mind, nor did it have my great grandfather’s, my grandfather’s, nor my mother or father.

Mr. Speaker, our recent national history record records a time when the right to elect one’s own representatives in Congress, in State houses and in the White House was a conditional right. It was dependent upon which State a person resided in, whether a person was born male or female, the color of one’s skin or the ability to pass a literacy test. Indeed, our voting rights were limited by a vision of our national future that was clouded by prejudice and by dogged political ambition.

Mr. Speaker, I am sure you can remember a time just over 40 years ago when the country was in the grips of a national revolution. Freedom fighters took to the streets in protest of an America that did not recognize that its strength was indeed in its diversity. The Voting Rights Act of 1965, one of the products of that revolution, did not come about because Congress had finally come to its senses. Instead it was the manifestation of a slave’s dream deferred.

As Dr. Walter Scott Thomas of the New Psalmist Baptist Church said this weekend at the Congressional Black Caucus prayer breakfast, when a people fail to dream, when they fail to dream of a better day, then they have indeed doomed their future.

So the Voting Rights Act of 1965 grew out of the sweat, blood and tears shed by brave men and women marching hopefully across the Edmund Pettis Bridge in Selma, Alabama, only to be met by police batons and tear gas on the other side. And it grew out of the work of so many other patriots whose names will never be recorded in our history books who may have never been recorded on the front pages of the Washington Post or the Boston Globe, but the fact of the matter is they made significant contributions.

It is because of the Voting Rights Act which outlawed the racist policies which shut blacks out of the voting booths that the dean of the Congressional Black Caucus, the gentleman from Michigan (Mr. CONYERS), was elected to serve in the United States Congress.

Mr. Speaker, our Nation was founded upon the basic belief in a people’s government elected by and for the people. Yet for so many years in our history, African Americans were denied the fundamental right to elect their representatives. In this very Chamber, African-American members who were elected by voters in their district were denied seats in the people’s House of Representatives and sent back home simply because of their race, simply because they were born black in America.

In fact, Mr. Speaker, before there ever was a Congressional Black Caucus,

five of the first 20 African Americans elected to serve in the House were not allowed to be seated in this Chamber which in essence invalidated the will and the intent of voters which elected them to office. As a Nation, we have been fortunate to overcome these and other trying times in our history. For the most part we have learned the important lessons of our past.

Yet as evidenced by the contested 2000 presidential election, there are still remnants of that ugly past which seeks to remerge with a new name yet created the same result. We may not call it Jim Crow anymore, but voter suppression by any other name is voter suppression just the same.

Mr. Speaker, some estimates suggest that there were between 4 and 6 million Americans whose votes were thrown out in the last presidential election. According to a report submitted to the Committee on Government Reform on which I sit, the General Accounting Office stated that counties with higher percentages of minority residents tended to have higher percentages of uncounted Presidential votes.

Some would have us believe it is mere coincidence that the African American votes were more unlikely to go uncounted and be invalidated in the 2000 election, but we in the Congressional Black Caucus know better. If Members remember, we came to the well of this very Chamber on January 6, 2001, to express our outrage at the systemic disenfranchisement of so many voters in our own communities.

□ 1445

Mr. Speaker, as it was clearly shown in Fahrenheit 9/11, it was the Congressional Black Caucus that stood up to protest the Florida vote so that we could merely speak for an hour and a half. But back then, January 2, 2001, we could not get one Senator to join in with us so that we could at least have a dialogue, because it was our position that whenever one American is denied their right to vote, whenever one American's vote is not counted, then that is one too many. And we were determined to make sure that history would not be recorded, when our great grandchildren and great-great grandchildren would read the history many, many years from now, we did not want it said that we did not stand up and at least protest what had happened in the great State of Florida. We each lined up one by one at this very podium, not because President Bush won or because Al Gore lost, but because the issue was bigger than any one individual. We came to the House floor because the fundamental right to vote had been tampered with solely for political gain and we were not going to stand for it. Unfortunately, in that effort, again now made famous by Michael Moore's documentary, Fahrenheit 9/11, we were silenced and our voices were not heard.

Mr. Speaker, we come to the well of the House this afternoon to declare that this will not happen again, not on

our watch. Recent news reports from the New York Times and other reputable papers across the country document an organized campaign taking hold of minority communities aimed at discouraging people from fulfilling their civic duty and voting this November. In my very district at the last election, notices were put out all across the City of Baltimore telling people that if they were behind in their rent or if they were behind in their gas and electric payments or if they had any kind of problems with the Motor Vehicle Administration, they would be subject to arrest if they were to go to the polls. But not only did the notice do that, it also told them that they should appear at the polls to vote the day after the election was to take place. Again, this was another effort on the part of some to stand in the way of people voting and having their votes counted.

The Help America Vote Act, a wonderful act which was enacted by this great Congress, has provisions with regard to provisional voting. When we look back at the past election and look at what happened to a lot of those provisional votes, a lot of them, the vast majority in many States were thrown out for simple things, as if on one side of the room was precinct one and one side of the room was precinct two, if the person actually was supposed to vote in precinct one and mistakenly voted in precinct two, a provisional ballot, the ballot was thrown out.

While we want to make sure that we protect the integrity of every ballot, I do believe that the founders of this great country when they crafted the Constitution of the United States wanted to make sure that every citizen had the right to vote.

Let me just give you a few examples, Mr. Speaker. Recently the New York Times reported that police officers visited the homes of elderly African Americans in Orlando, Florida, flaunting their guns and questioning them about their voter registration activities. Just this week in an editorial, the Times quotes a State legislator in Michigan saying, and I quote, if we do not suppress the Detroit vote, we're going to have a tough time in this election. The Houston Chronicle tells of students at a historically black college, Prairie View A&M University, being told that if they dared to vote in local elections using their college address, they would be prosecuted.

Now, Mr. Speaker, there is no question in anyone's mind that these types of activities are geared toward intimidating voters, particularly minority voters, into staying home on November 2. After all, 81 percent of Detroit's population is African American. By suggesting suppression of the Detroit vote, the Michigan State legislator was publicly suggesting suppression of the black vote. The Supreme Court case which established the right of students to vote on campus was actually initiated by a case involving Prairie View

University some 26 years ago. Here it is 26 years later and the same forces that sought to disenfranchise students in the seventies and eighties have been reincarnated in 2004.

It was just recently that Bishop Vashti McKenzie of the AME Church said, and I quote, that while we may have new battles, and she was referring to African Americans today, we are basically fighting our fathers' and our grandfathers' same battles. We are only dealing with a different person but they are the same battles. Indeed, she was correct.

Mr. Speaker, I am sure some people may be listening to this across the country and think that the Congressional Black Caucus is somehow paranoid. But I ask that they simply read the headlines in their local papers. Just 2 weeks ago, voters in Florida's primary were turned away from the polls because they did not have proper identification. The poll workers conveniently neglected to tell people that all they had to do was sign an affidavit attesting to their identity. A spokeswoman for the Florida Secretary of State is quoted as saying, "The affidavit option in the law is merely a courtesy to the voter." I have news for the Florida Secretary of State and anyone else in the country who is thinking about threatening, miseducating or otherwise dissuading people from voting on November 2. The ability to vote is not a courtesy. It is the law. I along with my colleagues in the Congressional Black Caucus will defend that law by any means necessary.

Mr. Speaker, it is time that our country get about the serious business of defending this democracy that we champion so proudly abroad. One first step would be to fully fund the Election Assistance Commission. As you know, the Election Assistance Commission was created as part of the Help America Vote Act of 2002 to fix our country's broken electoral system. There are some that have argued that the system is not broken. It does not take a rocket scientist to understand that it is. All one has to do is do a replay of the 2000 election. But what you and people across this country probably do not know is the fact that the Election Assistance Commission was so severely underfunded that it could not even afford to pay the rent on its office space this year. That is simply incredible.

Congress and this President has got to stop giving lip service to the idea of protecting the right to vote. We must act and we must act now. Unless the Election Assistance Commission gets an additional appropriation, they will be forced to pay their rent, salaries and, by the way, oversee an entire Federal election with only \$2 million. Not even the greatest magician in the world could pull off that trick. The four election assistance commissioners and their staffs are working around the clock with State election officials to ensure a seamless election process in November. However, by refusing to provide adequate funding for their work,

Congress and the President is setting the commission up for failure.

Mr. Speaker, as we have been throughout the last 2 years, the Congressional Black Caucus will travel to communities across this great Nation again this weekend to inform voters of their rights. We do not want people to get discouraged by the challenges that some seek to mount against them in November. Instead, we want to awaken a spirit of rebellion against these voter suppression tactics. We want mothers, fathers, teachers and community leaders to feel a sense of urgency this November. If there are forces working against us, we as a community must work harder against them. We must work together, Democrats and Republicans alike, to reinvigorate the civil rights battle cry that famously proclaimed one man, one vote.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for his kind introduction and I appreciate very much the leadership that he has shown on these issues. I join with him in standing with the Congressional Black Caucus on these very vital issues, but I believe it is enormously important that we pronounce not only to the Nation but even to the world that the question of the Constitution and the importance of one person, one vote in America has no color.

I am reminded of the early signs before the civil rights movement and the opening of accommodations in America, we would see the signs colored here, colored restroom, colored drinking fountain, colored entrance. It seems as if whenever we begin to talk about civil rights, for some reason there are those who wish to put a color sign, one that establishes civil rights as belonging only to one community. The idea of voting in America should clearly be that of every single citizen. I hope that as America focuses attention on the November 2 election, listening to polls go up and down, splintering by the finest of point the remarks of each presidential candidate, I hope they will understand that the only analysis that ever counts will be their vote on November 2, 2004.

And so we are standing today, and I am standing today because I believe that we will need to have an ignited electorate, a voting public that is both incensed about the depredation of their votes or the depriving of the right to vote but as well an incensed electorate to be energized about protecting their right to vote.

Might I just cite for those who are listening the numbers of issues that are so very important in our community around voter rights. After the 2000 election that saw a great disappointment across America, 500,000 individuals voted in the majority for a candidate that did not ultimately become President of the United States. When I visited Florida, I did not speak only to Florida A&M students who were denied

their right to vote or individuals who happened to be African-American males who were told that they were convicted felons and denied their right to vote but I spoke to senior citizens in West Palm Beach who happened to be white Floridians who indicated their frustration with the voting ballot and the inability to ask questions at the voting booth and their frustration with having been forced inappropriately because of the faulty ballot in voting for someone they did not desire to vote for. Or how about talking to the disabled persons that I met who were shedding tears because they could not access the particular polling place because it was closed off to them.

Voting has no color. There is in fact no sign at the voting booth that should say colored here or white here. But yet in Florida in 2000 and in Illinois and in other places, there were many, many people who were denied the right to vote. Of course the Voting Rights Act of 1965 clearly enunciated principles that dealt with African Americans. It was a result of the civil rights movement, a movement of Dr. King and A. Phillip Randolph, Hosea Williams and Julian Bond and John Lewis and many others who fought and came together around the empowerment of voting for African Americans who had heretofore been denied, who could not even pay poll tax and get to vote. So many of us have parents who were intimidated away from the voting booth.

So we came to 2001, and some of us took advantage on January 6, 2001, to be able to stand up and reject the tally in the State of Florida. But even that could not turn back what had happened in November of 2000 and that is why we stand here today arguing for what we believe is the most crucial aspect of your empowerment, and that is the right to vote. We want every senior citizen to be able to vote. We want every student to be able to vote. We want every legal status citizen to have the right to vote. Every military personnel to have the right to vote. Every overseas American to have the right to vote and their vote to be counted.

But, Mr. Speaker, in doing that, let me make it perfectly clear, I want their rights to be counted and their right to vote to be filled with legalities as opposed to illegalities.

Let me raise for my colleagues some of the concerns we have as it relates to voter intimidation.

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It has been noted by People for the American Way a number of a series of intimidation. We know how we were intimidated in years passed. I worked for the Southern Christian Leadership Conference, and I worked in registering individuals to vote in North Carolina and South Carolina, Georgia, Mississippi, Alabama. It was interesting to go on those plantations where sharecroppers still lived and to see the voting place where they had to go. Some of my colleagues may be reminded of

this. It was a tattered building with a tattered sheet covering where one would vote, and the overseer stood by while sharecroppers voted.

That was intimidation. And, in fact, in places where I went, an overseer stood by with a rifle on his lap as those who wanted to vote tried to walk past him. That is intimidation. And we must come away from that, come through the life that Fannie Lou Hamer led on her plantation in Mississippi where she was intimidated for even trying to participate in the Mississippi Democratic Party and in the Democratic National Convention.

So intimidation we know, and we stand today to argue against that. And some of that intimidation still continues: challenges and threats against individual voters at the polls by armed private guards; off-duty law enforcement officers; local creditors; fake poll monitors and poll workers and monitors; signs posted at polling places warning of penalties for voter fraud and noncitizen voting or illegally urging support for a candidate; poll workers assisting voters in filling out their ballots and instructing them how to vote; criminal tampering with voter registration rolls and records; fliers and radio ads containing false information about where, when, and how to vote; voter eligibility and false threat of penalty; setting up roadblocks near polling areas to intimidate voters; internal memos from party officials in which the explicit goal of expressing African American voter turnout is outlined; in 1982 in the State of Texas, having individuals in all polls in the African American community, standing and intimidating voters, intimidating the precinct judges, asking them whether they were allowing voters to come in without their identification.

This is voter intimidation, and this is what we have to cease and desist; and I would argue vigorously that, in doing so, we need to use existing laws of the land. We need to also make note that many of our cities, counties, and voting jurisdictions have utilized the electronic voting.

And so I will be offering a resolution to offer to this House that we demand that wherever it is possible that individual jurisdiction be required, be encouraged, be asked to include a paper trail. In the Federal legislation that we passed in this Congress in the last session, we were not able to get into that legislation a system of paper balloting. And so we are finding out in a very frightening way that electronic voting systems can be tampered with. We in Harris County requested our county clerk to include a paper trail. That county clerk refused, and we are contemplating a lawsuit. And I would encourage jurisdictions around the country, it is not too late to go in and seek injunctive relief even to require their jurisdiction, some of them wealthy enough to be able to implement it at this time, to put in the paper trail necessary to protect the vote.

Might I bring to the attention of my colleagues that, even though I started out by saying that I hope that we will ensure that the votes are taken and counted of all Americans, those overseas, those in the United States military, that none of their rights be denied, that no Secretary of State like the Secretary of State in the State of Florida in 2000 be able to close off the lights and close the door and the curtains on the various counties that were counting votes on that fateful Sunday when we heard from the Secretary of State of Florida who said, We will not take any more of the recounted votes; your time is up, and those votes will not be counted. We hope we will hear none of that anymore.

But let me remind my colleagues that we still have to perform oversight. My understanding is that the Pentagon is asking that the votes of the United States military not be sent to the various election polling places or the places where they belong, but they are being asked to be sent to the Pentagon. I do not know, Mr. Speaker, whether the Pentagon has ever cited itself as a duly counted electoral system where they have the oversight and the checks and balances to be able to open the thousands upon thousands of ballots coming in from enlisted personnel, National Guard and Reservists, sergeants, and others that might be intimidated by having to send their ballots to the Pentagon.

If the chairman would please stand just for a moment. And I see the distinguished gentleman from North Carolina (Mr. WATT) on the floor, and I know that he will be joining us, but I just want to be able to conclude on a final point. But with our great respect for the United States military, I know that we honor Shoshana Johnson and we have military now in respective communities, our respect for them on the front lines of Afghanistan and Iraq; but I would ask the chairman that we come together around a resolution, one, but also a letter inquiring about the process on behalf of our constituents who will be voting and sending their ballots, will they give us a precise process of how these ballots will be going to the Pentagon and ask for a re-ordering of that order such that those ballots can go somewhere else.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, one of the things that, as she was speaking, I could not help but think about is how in my district when we go to vote, the voter, and I am sure this is the case throughout the United States, is entitled to a certain level of privacy to cast their ballot. And certainly when the gentlewoman raised the question of what happens to ballots when perhaps they will be sent to the Pentagon, the privacy question comes up, the integrity of the system comes up. So I agree with the gentlewoman totally that we should write a letter. We will do that, and we will look into further action so that we can guarantee the integrity of

those ballots coming from our military.

They are citizens of the United States of America. They are entitled to the same rights as all others. So it just seems logical to me that on their behalf and certainly on behalf of all citizens of our country, we will want to ensure the integrity and perhaps have that order reversed so that they could go directly, as they would normally, to whatever the various precincts are in their local voting offices throughout the country. So we will take a look at that and write that letter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, I thank the chairman very much for his response.

Just in closing, it is interesting. This is the most powerful country in the world and the country that has the greatest technology. Would one not think that we would have the kind of precise technology, because these are absentee ballots, that could ZIP code these military personnel and send them back to their jurisdictions without tampering with and not going by way of the Pentagon? I think that would be certainly an appropriate manner of handling those particular ballots.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, one of the things that I think we have to keep in mind is a lot of people listen to this discussion and say it seems like these Members of Congress are not trusting the military. It is not about trusting. It is a thing of integrity of a system. One of the things that I think people want to know is that their ballot and the ballot of their sons and daughters and friends and neighbors are, in fact, being counted properly and being sent to the appropriate places so that we can maintain that integrity. And we do not even want the appearance of any kind of improper procedures.

One thing is for sure. When we talk about a democracy, we also talk about people's confidence in that democracy. As I am sure the gentlewoman has seen and heard, there were some people who were so discouraged by the 2000 election, they began to question why they should vote. And, of course, we have a ready answer to that. But the fact is we want everybody to know that their vote will be properly counted and that they will have the opportunity to vote. So I think people need to take all of that into consideration because I think it is very important.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, I agree with the gentleman, and I think the idea of this Special Order is to put forward one term, and that is "preparedness." We want not only the people of America to be prepared to vote, but we want the governmental entities and those of us who have responsibility and have respect for the Voting Rights Act of 1965 and the integrity of the voting process to be prepared.

So my final words are these: One, I think that we should collaborate

around this issue of dealing with the paper trail. I know that we will be studying the issue in Texas, and it may warrant litigation in terms of insisting that our particular county look into and pursue establishing a paper trail. My understanding is that constituents around the Nation are particularly frightened by the fact that their votes can be tampered with.

The second thing is for every poll where someone else has a poll watcher, we need to make sure that we have one. I say to all of the voters who may be going to vote to be prepared with every documentation that they need and be aware of the fact that they have a right to attest their authority, they are called many different names, but an affidavit that they can do so. Be prepared that they can attest the fact that they have the right to vote.

And, lastly, I would say do not leave a voting place. I am not asking people to get arrested en masse. But let me say this: Voting is important. If one feels civil disobedience warrants persisting in staying at the poll, they have the right to be able to get all the information that they need before they are taken away or shunned away from the poll. I say to them to wait on someone to come to them. There will be legal teams all over this country who will be assisting them, but to wait before being turned away so that they can get the right information or call back or come back.

This will not be a repeat of 2000. And it will not be that because we are going to be prepared and we are going to utilize every aspect of the Constitution, the Voting Rights Act of 1965, and local jurisdictional law, including the elections legislation that we passed, to make sure that every vote is counted. And I hope, as we move toward November, we will find ourselves prepared.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, I was thinking as she talked about the Voting Rights Act of 1965, in a way it is a kind of sad thing that we are even standing here talking about this, talking about guaranteeing the right to vote and to have a vote counted here in 2004. But we do and we have to stand up. Every second January, come January, we put up our right hand and we swear to uphold the Constitution of the United States, and part of that Constitution is our right to vote.

So I am very pleased that the gentleman from North Carolina has joined us. The next chairman of our Congressional Black Caucus, who is, without a doubt, one who has consistently looked at our Constitution very carefully, as the gentlewoman from Texas (Ms. JACKSON-LEE) has. And whenever there was what might appear as a violation of that Constitution, they have consistently raised that on the floor of this great House. And I think history will go down and it will be written, and maybe hundreds of years from now somebody may just be flipping through some pages and hear about members of

the Congressional Black Caucus, particularly those in the Committee on the Judiciary, standing up for what they believe in.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add my appreciation. I appreciate the gentleman from Maryland (Mr. CUMMINGS) mentioning our service on the Committee on the Judiciary. Just to add that we spent some time in the Committee on the Judiciary this morning with, again, legislation that did eliminate opportunity to enter into the courthouse on questions of grievance regarding in this instance the Pledge of Allegiance.

But I think the important point is that we stand here today talking about voter rights when we have legislative initiatives by this body, and I think our colleagues need to hear this, that are slamming the door shut. So for all we know, Mr. Speaker, we may talk about going into the courthouse on the Voting Rights Act or going into the courthouse on electronic voting, and before we know it, we may have legislation saying no one is allowed to pursue Federal court jurisdiction or appellate court jurisdiction on issues dealing with the Voting Rights Act of 1965. I just thought I would share that, as the gentleman from North Carolina (Mr. WATT) was coming to the microphone, to let everyone know how serious we are today. I thank the gentleman for his leadership.

I rise today to address an issue that I and members of the Congressional Black Caucus have worked tirelessly for, the issue of voters rights. The issue of voters rights is one that is central to our democratic government based on the Constitution and it is an issue that will be fundamental in this year's Presidential election.

The importance of each American's vote can not be understated; it was former President Lyndon Johnson who said: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men." Voters rights are guaranteed to every American, but clearly voters rights have been more dubious for minority voters, especially those in the African American community.

The Fourteenth Amendment states that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The citizens of Florida were denied equal protection from faulty voting equipment, mis-

informed or unschooled Election Day poll workers and confusing ballots. They were denied equal protection from unreliable vote tabulation methods that were not able to discern voter intent. They were denied an opportunity, tested and approved by time to use manual hand counts to determine the intent of a voter to vote and for which, if any, candidate they desired to vote for.

Disparate treatment of voters in our Nation is inherent in the arcane and disjointed method of local, State, and national elections. The condition of the Florida election was the fruit of this disparity in that the variations in the methods of voting lead to different methods of tallying votes and different success or failure rates in the accuracy of those tallies. The more modern pencil mark to fill an oval on a paper ballot that is fed into a computer to tally votes was found to only hold a 3 percent error rate while the punch card method of tallying votes had a 15 percent error rate.

Congress passed the voting Rights Act of 1965 in response to widespread evidence of disenfranchisement of black citizens in several southern States, of which Florida is numbered. This act was designed to protect citizens' right to vote primarily by forbidding these States from using tests of any kind to determine eligibility to vote, by requiring these States to obtain Federal approval before enacting any election laws, and by assigning Federal officials to monitor the registration process in certain localities.

It is clear that the injured party in the 2000 elections was the voters of Florida who had to suffer through the biased actions of a Secretary of State who acted as the Co-State Chair for the Bush for President effort in the State of Florida. The voters struggled to be heard in the face of repeated challenges and disruptions designed to end an order process of discerning voter intent when the machine failed in that determination. A constitution is the property of a nation, and not of those who exercise the government.

The United States Declaration of Independence states, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness." The Declaration of Independence continues with, "... when a long Train of Abuses and Usurpations, pursuing invariably the same Objective, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

This passage of the Declaration of Independence adequately describes the plight of minority and poor Americans in their struggle

for an equal voice in the governance of our Nation's democracy.

African American voters were there on Election Day, but soon after the election was over we knew that something had happened to stop our vote from being counted with its full effect.

In the 19th Century following the Civil War, the Congress passed 2 amendments to the Constitution; the Fourteenth and Fifteenth Amendments in order to guarantee the equal rights of African Americans and grant voting rights to black men. Following the enactment of these two amendments 22 African Americans served in the Congress and over 700 served in Southern State legislatures, with some States being nominally under black control. Unfortunately by 1902 whites found enough ways to prevent the intent of the Fourteenth and Fifteenth Amendments from being followed that the number of African American elected officials dwindled to zero. It took over 70 years for the voting rights of African Americans to be restored to a level where the election of African Americans to Federal offices was to some degree assured from disruption due to the institutional blockade of African American citizens voting rights.

The battle over at-large elections which effectively diluted black votes was not overcome until 1973, when the Supreme Court ruled in *White v. Register* that at-large elections schemes were unconstitutional, if such schemes diluted minority voting strength which they did in most cases. While we were victorious in that battle, the challenges to obtaining true voting rights have been evident till this day and we must fix what is a flawed and prejudicial system.

The 2000 presidential election revealed a plethora of barriers to voting. In NAACP hearings on voting irregularities we heard testimony from law enforcement, poll workers, educators, civil rights organizations, state and federal legislators, and disenfranchised voters recounting the following:

1. That citizens who were properly registered were denied the right to vote because election officials could not find their names on the precinct rolls;
2. That registered voters were denied the right to vote because of minor discrepancies and clerical errors;
3. That first-time voters who sent in voter registration forms prior to the state's deadline for registration were denied the right to vote because their registration forms were not processed;
4. That African American voters were singled out for criminal background checks at some precincts and that one voter who had never been arrested was denied the right to vote after being told that he had a prior felony conviction;
5. That African American voters were required to show photo identification while white voters at the same precincts were not subjected to the same requirement;
6. That voters who requested absentee ballots did not receive them but were denied the right to vote when they went to the precinct in person on Election Day;

7. That hundreds of absentee ballots of registered voters in various counties throughout the nation were improperly rejected by the Supervisor of Elections and not counted;

8. That African American voters who requested assistance at the polls were denied assistance;

9. That African American voters who requested the assistance of a volunteer to translate the ballot for limited proficient voters were denied such assistance.

There allegations raise potential violations of Sections 2 and 5 of the Voter Rights Act of 1965, 42 U.S.C. sec. 1973, as well as several provisions of the National Voter Registration Act of 1993, 42 U.S.C. sec. 1973gg-5(a) which affirms the right of every U.S. citizen to case a ballot and have that ballot be counted must be protected without compromise and without regard to the voter's race. This was truly a time in which justice delayed was justice denied. In addition to the number of allegations of voting irregularities that occurred in the State of Florida, it was revealed that a total of 180,000 ballots were not counted in Florida's presidential vote. The Gore Campaign, members of the Congressional Black Caucus, civil rights attorney's and the disenfranchised voters themselves sought for every Floridian's vote to be counted by requesting a hand count in the 4 counties that demonstrated voting irregularities. In these 4 counties in which the hand count was sought—all heavily Democratic areas—over 73,000 ballots were not counted in the presidential tally.

Beyond these egregious voting irregularities, millions of Americans were denied their fundamental right to vote simply because they were unable to vote due to prior work commitments. In fact, the great untold story in the last election and in most elections in America is the voting disparity that exists between those who can afford to take time off work to vote and those who cannot. Moreover, this perpetual disparity has caused a voting gap that threatens the very fabric of our representational democracy and has challenged our nation to find a solution that addresses this great disparity.

In the words of "Freedom," a poem by Langston Hughes we hear the threat to our national existence, "freedom will not come today, this year nor ever, through compromise and fear. I have as much right as the other fellow has to stand on my two feet and own the land. I tire so of hearing people say, let things take their course. Tomorrow is another day. I do not need my freedom when I'm dead. I cannot live on tomorrow's bread. Freedom is a strong seed planted in the soil. I live here too. I want freedom just as you."

The question before us now is how do we make sure that this type of disenfranchisement never again rears its ugly head, especially in a year when we again face a Presidential election bound to be decided by a few thousand or even hundred votes. We know that in 2001 here in the State of Florida they passed a \$32 million election reform package. The measure is supposed to eliminate punch card and hand-counted paper ballots and all mechanical-lever voting. Because of this reform, never again in the State of Florida will an election be decided based on hanging, dangling or pregnant chads. However, just because we

may have eliminated antiquated voting systems in this State, it does not mean that voters can not be disenfranchised. More modern electronic voting systems have shown to have a multitude of questions surrounding them. First, is the question of fraud, these new electronic systems must be proven to be tamper proof from outside sources. More so, we must insure that the companies who supply these machines do not have any partisan stake in the election they are helping to determine. These questions were raised earlier this year about Diebold Inc, which will supply many of the electronic voting machines throughout the country and whose President has very close links to President Bush and the Republican Party. While I do not make accusations that have not been fully proven, my point is that even with newer and more advanced equipment there are questions and issues that need to be addressed. Many of these electronic voting machines do not even leave a paper trail record to review in case questions of fraud or tampering were ever raised in an election. As our society has grown more technological we have come to depend more and more on computers, but I think we all still recognize that while computers are free from bias, they are not completely free from error or misuse. Which is why I was truly disappointed to learn that the Governor of this State, Jeb Bush recently denied a request to conduct a state-wide, independent audit of voting systems. This despite the fact that electronic voting computers crashed in May and November of 2003, erasing information from the September 2002 gubernatorial primaries and other elections. I am disappointed that officials in this State or any other State in this Nation for that matter would not take every step possible to ensure a proper election this year. The truth unfortunately, is that proper voting rights is not as much of an issue for some people whose rights have always been protected and recognized, as it is for people in our community who after more than two hundred years are still longing for true equality.

While there is much reform to be done on the local, State and national level to make sure that every vote is counted, the real reform begins and ends with each of us. We must continue to go to the polls and we must be vigilant. In this year's election if we see a brother or sister being told that they are not registered even though they are or we see a fellow neighbor being harassed while others are allowed to vote freely; we must stand up for them. Together as a community there is no hurdle we can not overcome, we will not allow our rights to be frittered away. It is equality we have strived for since before we were even born and it is equality we will achieve because our struggle is righteous and our means are just.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding to me. And were the subject of this Special Order not so immeasurably important, I could spend many minutes talking about the issue that the gentlewoman from Texas just identified that was dealt with in the Committee on the Judiciary.

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But if she will be kind enough to allow me, I think I will wait until next week to make that debate. That bill will be on the floor, and hopefully, we will have ample opportunity to point that out.

I am honored today to join my colleagues from the Congressional Black Caucus, the chairman of the Congressional Black Caucus, the gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Texas (Ms. JACKSON-LEE) to be a part of this Special Order which focuses on voter intimidation and efforts that are being made by some in our society to deter people who wish to exercise their democratic rights, the right to vote.

I would be less than honest if I said I was delighted to be here debating this, because I concur with the chairman of our caucus that these many years after the passage of the Voting Rights Act, we would like to be in a position not to have to be here to engage in these kinds of discussions on the floor of the House concerning voter intimidation, deterrence of voters from exercising their right to vote. And I would add to that that I do not think there would be any people who would be more delighted on November 3 of this year than the Congressional Black Caucus if we could stand up and say on November 3 that we overreacted and did not need to be here today talking about this. But if that eventuality occurs, I am going to get up; I am coming to the floor to say, I am delighted to say that we overreacted, because I will be happy about it.

I do not think we can talk about voter intimidation without putting it in a larger context, and that is the context of democracy. All around the world, the United States was recognized by country after country after country as the gold standard for democracy for years and years and years, and I wish I could say that the United States still holds that distinction. Unfortunately, we do not have that distinction anymore.

While we were encouraging the government, the forming government, of South Africa to assure representation of all factions in their new government, we were at the same time in the United States Supreme Court discouraging minority representation in the United States. While we were encouraging the residents of South Africa to make their ballots understandable by putting pictures on the ballots if necessary to identify the candidates, we were at the same time making it impossible for folks to cast ballots that did not have hanging chads and other

problems in the United States. While we were encouraging the folks of South Africa to make it easier for people to vote by allowing voters to cast their votes on Saturdays and Sundays, in the United States, that is anathema to us. Although, it seems to me and other members of the Congressional Black Caucus that that would be the ideal to maximize voter participation. So we do not have the honor of holding the gold standard of democracy anymore.

Those of us who believe that, somehow, Florida was the exception rather than the rule are deluding ourselves because not only in Florida were we having problems in 2000, but in every single State where votes were being cast, there were problems with the voting process. And unfortunately, those problems were disproportionately disqualifying minority voters from voting and poor people because they had the worst machines in every jurisdiction.

So if one checks all around America, this is not a Florida problem that we are talking about. This is a national problem that deprives America from being able to hold out its chest and say, we are the gold standard for a democracy. If we ignore that larger context when we talk about voter intimidation and discouraging people from voting, then we miss a major point.

Now, there is intimidation going on, and there is discouragement going on, and I want to make sure that America knows and that everybody knows that we are preparing to be ready for that kind of intimidation, discouragement, roadblocks by police, every kind of negative discouragement of our voters from voting on November 2. We are preparing to combat that.

It is a shame that somebody could show up at our meeting today and hand out a flyer saying, we are recruiting 10,000 lawyers to be available on Election Day in the United States of America. Who could imagine that we would need 10,000 lawyers to assure that people in the United States, in our democracy, get to do what our Constitution says they are entitled to do. There is something wrong with that picture, and I just wanted to be here today to add my voice to the chairman's voice and to our caucus' voice that, on November 2, this simply will not be tolerated.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement.

So it is, Mr. Speaker, that, again, the Congressional Black Caucus stands up for Americans' right to vote and to have their vote counted.

COMMUNICATION FROM THE ATTENDING PHYSICIAN OF THE HOUSE

THE SPEAKER pro tempore (Mr. KLINE) laid before the House the following communication from the Attending Physician of the House of Representatives:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
September 13, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that a member of my staff has received a subpoena for documents issued by the Office of Compliance.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN F. EISOLD, M.D., F.A.C.P.

COMMUNICATION FROM MILITARY LIAISON OF HON. DAVE WELDON OF FLORIDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Toni Mahoney, Military Liaison of the Honorable DAVE WELDON of Florida, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I was served with a civil trial subpoena, issued by the County Court for Brevard County, Florida, for testimony and documents.

After consulting with the Office of General Counsel, I determined that compliance with the subpoena was inconsistent with the privileges and rights of the House.

Sincerely,

TONI MAHONEY,
Military Liaison.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today on account of medical reasons.

Mr. LANGEVIN (at the request of Ms. PELOSI) for September 13, 14, and 15 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. PEARCE, for 5 minutes, today.

Mr. FEENEY, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1576—An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 361. to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Friday, September 17, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9570. A letter from the Administrator, FAA, Department of Transportation, transmitting the Administration's third report, as required by the Pilot Records Improvement Act of 1996 (PRIA), pursuant to Public Law 104-264, section 502 49 U.S.C. 44703(h)(12); to the Committee on Transportation and Infrastructure.

9571. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Morocco Free Trade Agreement; to the Committee on Ways and Means.

9572. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 904 to Income Subject to Separate Limitations [TD 9141] (RIN: 1545-AX88) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9573. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2004-83) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9574. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transfers to Provide for Satisfaction of Contested Liabilities [TD 9140] (RIN: 1545-BA90) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9575. A letter from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Rev. Rul. 2004-87) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9576. A letter from the Acting Chief, Publication and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Pul. 2004-84) received July 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9577. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

9578. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2003, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Government Reform and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3479. A bill to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes; with an amendment (Rept. 108-687 Pt. 1).

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4794. A bill to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes (Rept. 108-688 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 3479 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3479. Referral to the Committee on Agriculture extended for a period ending not later than September 15, 2004.

H.R. 4794. Referral to the Committee on International Relations extended for a period ending not later than October 2, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAXTON (for himself, Mr. WOLF, Mr. MILLER of Florida, Mr. SHERWOOD, Mrs. CHRISTENSEN, Mr. LOBIONDO, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. TANCREDO, Mr. SANDLIN, Mr. GIBBONS, Mr. BASS, Mr. TOWNS, and Mr. TIAHRT):

H.R. 5079. A bill to amend the Internal Revenue Code of 1986 to allow employers a \$1,000 credit against income tax for every 3 years that they employ a military reservist; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. BURR, Mr. WILSON of South Carolina, Mr. CARDOZA, Mr. MEEHAN, Mr. WALSH, Mr. GARRETT of New Jersey, Mr. STENHOLM, Mr. SHERWOOD, Mr. LOBIONDO, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. SENSENBRENNER, Mr. GIBBONS, and Mr. TOWNS):

H.R. 5080. A bill to amend the Internal Revenue Code of 1986 to allow employers a \$1,000 credit against income tax for every 3 years that they employ a veteran; to the Committee on Ways and Means.

By Mr. BEAUPREZ (for himself and Mr. SWEENEY):

H.R. 5081. A bill to amend title 10, United States Code, to provide for a new program of educational assistance for certain reserve component members of the Armed Forces who perform active service; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. SHUSTER, and Mr. MENENDEZ):

H.R. 5082. A bill to authorize the Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NETHERCUTT (for himself, Mrs. JOHNSON of Connecticut, and Ms. DUNN):

H.R. 5083. A bill to designate certain lower-elevation Federal lands in the Skykomish River valley of the State of Washington as wilderness, to designate a portion of such lands for management as a backcountry wilderness management area, and for other purposes; to the Committee on Resources.

By Ms. SOLIS:

H.R. 5084. A bill to authorize the Secretary of Education to make formula grants to States to ensure that all families have access to high-quality, voluntary preschool education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BERRY:

H.R. 5085. A bill to suspend temporarily the duty on Cobaltate(1-), bis[3-[[1-(3-chlorophenyl)-4,5-dihydro-3-methyl-5-(oxo-4-hydroxy-1H-pyrazol-4-yl)azo-kN1]-4-(hydroxy-kO)benzenesulfonamido(2-)]-], sodium; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5086. A bill to suspend temporarily the duty on 2-[[[3,3'-Dichloro-4'-[[1-[[2-(4-dimethylphenyl)amino]carbonyl]-2-oxopropyl]azo][1,1'-biphenyl]-4-yl]azo]-3-oxo-N-(o-tolyl) u tyramide; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5087. A bill to suspend temporarily the duty on 3-Hydroxy-4-[[4-methyl-2-

sulfophenyl)azo]-2-naphthalenecarboxylic acid, calcium salt; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5088. A bill to suspend temporarily the duty on Benzenesulfonic acid, [[chloroacetyl]amino]methyl 4-[[4-(cyclohexylamino)-9,10-dihydro-9,10-dioanthracenyl]amino]phenoxy]methyl-, monosodium salt; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 5089. A bill to suspend temporarily the duty on 2,2'-[[3,3'-Dichloro[1,1'-biphenyl]-4,4'-diyl]bis(azo)]bis[N-(2,4-dimethylphenyl)-3-oxobutylamide] Butanamide, 2,2'-[[3,3'-dichloro[1,1'-biphenyl]-4,4'-diyl]bis(azo)]bis[N-(2,4-dimethylphenyl)-3-oxo-; to the Committee on Ways and Means.

By Mr. COLE (for himself, Mr. LUCAS of Oklahoma, Mr. SULLIVAN, Mr. ISTOOK, and Mr. PETERSON of Pennsylvania):

H.R. 5090. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. ISSA, Mr. JACKSON of Illinois, and Mr. DINGELL):

H.R. 5091. A bill to provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 5092. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to include hold-harmless provisions for local educational agencies that no longer meet the minimum eligibility criteria for targeted grants and education finance incentive grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGLISH:

H.R. 5093. A bill to amend the Internal Revenue Code of 1986 to provide for small business tax incentives, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to increase the exemption for annual gross volume of sales made or business done by an enterprise, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. BOYD, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. GOSS, Mr. BILIRAKIS, Mr. DAVIS of Florida, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Ms. HARRIS, Mr. DEUTSCH, Mr. MICA, Mr. WEXLER, Mr. CAMP, Mr. ENGLISH, Mr. WELLER, Mr. HOUGHTON, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. TAYLOR of North Carolina, and Mr. PICKERING):

H.R. 5094. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty by individuals within areas determined by the President to be disaster areas by reason of certain natural disasters occurring in 2004; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 5095. A bill to provide for an indefinite freeze on increases in the monthly premiums

for Medicare, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 5096. A bill to assist in the conservation of flagship species throughout the world; to the Committee on Resources.

By Mr. GUTIERREZ (for himself and Mrs. KELLY):

H.R. 5097. A bill to amend the Federal Deposit Insurance Act to prevent conflicts of interest by establishing post-employment limitations on bank examiners-in-charge, and for other purposes; to the Committee on Financial Services.

By Mr. GUTIERREZ:

H.R. 5098. A bill to provide more effective congressional oversight over the operations and administrative expenses of the Comptroller of the Currency, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida:

H.R. 5099. A bill to reinstate the repealed criminal provisions relating to assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York (for herself, Mr. HOFFFEL, Mr. FERGUSON, and Mr. CASTLE):

H.R. 5100. A bill to reinstate for 10 years the repealed criminal provisions relating to assault weapons and large capacity ammunition feeding devices; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 5101. A bill to amend the Rules of the House of Representatives to provide greater legislative input from the minority, to provide more time for Members to read legislation before its consideration, and to improve House oversight of the executive branch, to amend the Lobbying Disclosure Act of 1995 to improve lobbying disclosure, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Judiciary, Standards of Official Conduct, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 5102. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5103. A bill to repeal mandatory minimum sentencing for certain Federal crimes and restore justice and fairness to Federal sentencing practices; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.J. Res. 104. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who is not a natural born citizen of the United States but has been a United States citizen for at least 20 years; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.J. Res. 105. A joint resolution proposing an amendment to the Constitution of the

United States to lower the age qualification for Senators from 30 years of age to 21 years of age and for Members of the House of Representatives from 25 years of age to 21 years of age; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. STARK, and Mr. BROWN of Ohio):

H. Res. 776. A resolution of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

425. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 272 memorializing the Congress of the United States to review the issue of the number of gasoline types refined across the country and to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 583: Mrs. WILSON of New Mexico.
H.R. 648: Mrs. MILLER of Michigan, Mr. CANNON, and Mr. HALL.
H.R. 677: Mr. SPRATT.
H.R. 997: Mrs. BIGBERT.
H.R. 1097: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1160: Mr. UPTON.
H.R. 1200: Mr. OLVER.
H.R. 1205: Mr. RYAN of Ohio.
H.R. 1251: Ms. SCHAKOWSKY.
H.R. 1329: Mr. LARSEN of Washington.
H.R. 1513: Mr. WELLER.
H.R. 1524: Mr. WAXMAN.
H.R. 1567: Mr. GARY G. MILLER of California.
H.R. 1631: Mr. MANZULLO.
H.R. 1688: Mrs. NAPOLITANO.
H.R. 2028: Ms. HART.
H.R. 2034: Mr. McNULTY.
H.R. 2181: Mr. SENSENBRENNER.
H.R. 2237: Mr. SOUDER.
H.R. 2256: Mr. MOLLOHAN.
H.R. 2505: Mr. STARK.
H.R. 2680: Mr. LAHOOD, Mr. KIRK, Mr. ISSA, Mr. COSTELLO, Mr. POMEROY, Ms. BALDWIN, Mr. TAYLOR of Mississippi, Ms. VELÁZQUEZ, Mr. WEINER, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. MICHAUD, Ms. HERSETH, Mr. DOGGETT, Mr. CARDIN, Mrs. CAPPS, Mr. FARR, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. TANNER, Mr. MOLLOHAN, Mr. KIND, Mr. HOFFFEL, Mr. JOHN, and Ms. MCCARTHY of Missouri.
H.R. 3015: Mr. CHANDLER and Mr. BROWN of South Carolina.
H.R. 3090: Mr. BRADLEY of New Hampshire.
H.R. 3193: Mr. POMEROY.
H.R. 3522: Mr. BRADLEY of New Hampshire.
H.R. 3634: Mr. WEINER.
H.R. 3651: Mr. DREIER.
H.R. 3831: Mr. LEACH, Ms. PELOSI, Mr. JEFFERSON, and Ms. BERKLEY.

H.R. 4091: Mr. LAMPSON.
H.R. 4108: Mr. CARSON of Oklahoma.
H.R. 4187: Mr. GILCHREST.
H.R. 4192: Mr. RODRIGUEZ and Mr. BERMAN.
H.R. 4355: Mr. CARDOZA and Mr. ETHERIDGE.
H.R. 4420: Mr. FERGUSON, Mr. WICKER, Mr. HULSHOF, and Mr. COSTELLO.
H.R. 4454: Mr. OTTER and Mr. LARSEN of Washington.
H.R. 4491: Mr. TIBERI, Mr. DAVIS of Tennessee, Mr. GOODLATTE, Mr. MEEKS of New York, Mr. PALLONE, Mr. PETERSON of Pennsylvania, Mrs. MALONEY, Mr. WELDON of Pennsylvania, Mr. MOLLOHAN, Mrs. LOWEY, and Mr. FATTAH.
H.R. 4575: Mr. BERMAN, Mr. WEINER, and Mr. OLVER.
H.R. 4595: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SIMMONS.
H.R. 4620: Mr. LARSEN of Washington.
H.R. 4682: Mr. ROSS, Ms. NORTON, Mr. TIERNEY, and Ms. CARSON of Indiana.
H.R. 4689: Mrs. CAPPS.
H.R. 4758: Ms. SCHAKOWSKY.
H.R. 4793: Ms. SCHAKOWSKY.
H.R. 4830: Mrs. LOWEY and Mr. FROST.
H.R. 4832: Mr. SMITH of Michigan, Mr. McDERMOTT, and Mr. TOWNS.
H.R. 4834: Mr. SHIMKUS, Ms. KAPTUR, Mr. BURTON of Indiana, and Mr. McCOTTER.
H.R. 4900: Ms. WOOLSEY and Mr. KENNEDY of Rhode Island.
H.R. 4910: Mr. WYNN, Mr. WEXLER, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. HOFFFEL.
H.R. 4978: Mr. WEXLER and Mr. McDERMOTT.
H.R. 4994: Mr. MILLER of North Carolina.
H.R. 5024: Ms. NORTON.
H.R. 5040: Mr. FRANK of Massachusetts.
H.R. 5046: Mr. FORBES.
H.R. 5055: Ms. HERSETH, Mr. WYNN, Mr. LARSON of Connecticut, Mr. EMANUEL, Mrs. DAVIS of California, Mr. MCINTYRE, Mrs. NAPOLITANO, Mr. SPRATT, Mrs. MCCARTHY of New York, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. NADLER, Mr. ROHRABACHER, Mr. GUTKNECHT, Mr. EHLERS, Mr. HALL, Mr. BAIRD, Mr. SANDERS, Mr. SNYDER, Mr. OBERSTAR, Mrs. EMERSON, Mr. WEINER, Ms. WATSON, Mr. KILDEE, Mr. EDWARDS, Mr. WELDON of Pennsylvania, Mr. LUCAS of Kentucky, Mr. DAVIS of Alabama, Mr. HONDA, Ms. KILPATRICK, Mr. EVANS, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. MEEHAN, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Mr. BECERRA, Ms. KAPTUR, Mr. CARSON of Oklahoma, Mr. JOHN, Mr. CARDOZA, Mr. CASE, Mr. GEORGE MILLER of California, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. INSLEE, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. TAYLOR of Mississippi, Mr. BISHOP of Georgia, Ms. MILLENDER-McDONALD, Mr. HINCHEY, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LaTOURETTE, Mr. RYAN of Wisconsin, Mr. CAPUANO, Ms. HOOLEY of Oregon, Ms. DeGETTE, Mr. YOUNG of Florida, Mr. MARSHALL, Mr. KIND, Mr. GREEN of Texas, Mr. RUPPERSBERGER, Mr. HOFFFEL, Mr. HOLT, Mr. MATSUI, Mr. OTTER, Mr. SWEENEY, and Mr. CRAMER.
H.R. 5057: Mr. HOFFFEL, Mr. YOUNG of Florida, and Mr. FROST.
H.R. 5061: Mr. SHIMKUS, Mr. OLVER, Mr. HOFFFEL, Mrs. JONES of Ohio, Mr. CONYERS, and Mr. WOLF.
H.R. 5068: Mr. COX, Mr. CAMP, Mr. SESSIONS, Mr. SANDLIN, Mr. LANGEVIN, and Mr. ABECHROMBIE.
H.R. 5069: Mr. COX, Mr. CAMP, and Mr. SESSIONS.
H.J. Res. 38: Mr. BURGESS.
H. Con. Res. 399: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 430: Mr. KENNEDY of Rhode Island.
H. Con. Res. 441: Mr. PASTOR and Mr. PETERSON of Pennsylvania.

H. Res. 720: Mr. MANZULLO, Mr. McCOTTER, and Mr. SESSIONS.

H. Res. 771: Mr. SAM JOHNSON of Texas.

H. Res. 774: Mr. DOYLE, Ms. WATSON, Ms. BERKLEY, Mr. MARKEY, Mr. SHAYS, Mr. SCOTT of Virginia, Ms. ROS-LEHTINEN, and Mr. PAYNE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5025

OFFERED BY: MS. WATERS

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available in this Act may be used to implement

any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).